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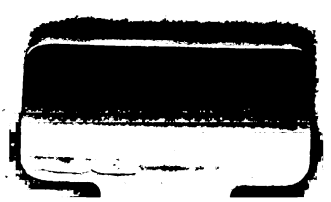

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30th Congress, 1st Session. [SENATE.] Executive, No. 52.

U. S. Senate,

THE TREATY

BETWEEN

THE UNITED STATES AND MEXICO,

THE PROCEEDINGS OF THE SENATE THEREON, AND MESSAGE OF THE PRESIDENT AND DOCUMENTS COMMUNICATED THEREWITH; THE MESSAGES, WITH CORRESPONDENCE BETWEEN THE EXECUTIVE DEPARTMENT, GENERAL SCOTT AND MR. TRIST, AND OTHER PAPERS AND PROCEEDINGS OF THE SENATE IN RELATION THERETO, FROM WHICH THE INJUNCTION OF SECRECY HAS BEEN REMOVED.

IN EXECUTIVE SESSION, SENATE OF THE U. S.

WEDNESDAY, May 31, 1848.

Resolved, That the injunction of secrecy be removed from the treaty between the United States and Mexico, the documents accompanying the same, and the proceedings of the Senate and debates thereon, and the documents sent to the Senate and ordered to be printed relating to the negotiation of said treaty, and also from the messages of the President of the 7th and 9th March, and documents communicated therewith.

Ordered, That the treaty with Mexico, the messages, documents, proceedings, and other matter relating thereto, from which the injunction of secrecy has been removed, be printed for the use of the Senate.

FRIDAY, June 2, 1848.

Resolved, That the injunction of secrecy be removed from so much of the correspondence between the executive departments and Mr. Trist and other officers of the government in Mexico and the accompanying papers, transmitted to the Senate, as have been printed in confidence, and that the same be printed for the use of the Senate.

Attest:

ASBURY DICKINS, *Secretary*.

Checked May 1913

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IN EXECUTIVE SESSION, SENATE OF THE U. STATES.

WEDNESDAY, FEBRUARY 23, 1848.

The following message was received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States:

I lay before the Senate, for their consideration and advice as to its ratification, a treaty of peace, friendship, limits, and settlement, signed at the city of Guadalupe Hidalgo, on the second day of February, 1848, by N. P. Trist on the part of the United States, and by plenipotentiaries appointed for that purpose on the part of the Mexican government.

I deem it to be my duty to state that the recall of Mr. Trist as commissioner of the United States, of which Congress was informed in my annual message, was dictated by a belief that his continued presence with the army could be productive of no good, but might do much harm by encouraging the delusive hopes and false impressions of the Mexicans; and that his recall would satisfy Mexico that the United States had no terms of peace more favorable to offer. Directions were given that any propositions for peace, which Mexico might make, should be received and transmitted by the commanding general of our forces, to the United States.

It was not expected that Mr. Trist would remain in Mexico, or continue in the exercise of the functions of the office of commissioner, after he received his letter of recall. He has, however, done so, and the plenipotentiaries of the government of Mexico, with a knowledge of the fact, have concluded with him this treaty. I have examined it with a full sense of the extraneous circumstances attending its conclusion and signature, which might be objected to; but, conforming, as it does substantially on the main questions of boundary and indemnity, to the terms which our commissioner, when he left the United States in April last, was authorized to offer, and animated, as I am, by the spirit which has governed all my official conduct towards Mexico, I have felt it to be my duty to submit it to the Senate for their consideration, with a view to its ratification.

To the tenth article of the treaty there are serious objections, and no instructions given to Mr. Trist contemplated or authorized its insertion. The public lands within the limits of Texas belong to that State, and this government has no power to dispose of them, or to change the conditions of grants already made. All valid titles to land within the other territories ceded to the United States will remain unaffected by the change of sovereignty; and I

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therefore submit that this article should not be ratified as a part of the treaty.

There may be reason to apprehend that the ratification of the "additional and secret article" might unreasonably delay and embarrass the final action on the treaty by Mexico. I therefore submit whether that article should not be rejected by the Senate.

If the treaty shall be ratified as proposed to be amended, the cessions of territory made by it to the United States, as indemnity, the provision for the satisfaction of the claims of our injured citizens, and the permanent establishment of the boundary of one of the States of the Union, are objects gained of great national importance; while the magnanimous forbearance exhibited towards Mexico, it is hoped may insure a lasting peace and good neighborhood between the two countries.

I communicate herewith a copy of the instructions given to *Mr. Slidell* in November, 1845, as envoy extraordinary and minister plenipotentiary to Mexico; a copy of the instructions given to *Mr. Trist* in April last, and such of the correspondence of the latter with the Department of State, not heretofore communicated to Congress, as will enable the Senate to understand the action which has been had with a view to the adjustment of our difficulties with Mexico.

JAMES K. POLK.

WASHINGTON, *February* 22, 1848.

The message was read.

The treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, in the year 1848, was read the first time.

On motion by Mr. Sevier,

Ordered, That the treaty, message, and accompanying documents be referred to the Committee on Foreign Relations, and printed in confidence for the use of the Senate.

MONDAY, FEBRUARY 28, 1848.

Mr. Sevier, from the Committee on Foreign Relations, to whom was referrred, the 23d instant, the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, in the year 1848, reported it without amendment.

Mr. Webster submitted the following resolution for consideration:

Resolved, That the further consideration of the message of the President of the United States of the 22d of February, 1848, be postponed; and that it be recommended to the President of the United States immediately to nominate commissioners plenipotentiary, not fewer than three, to proceed to Mexico, for the purpose of negotiating with the republic of Mexico a treaty of peace, boundaries, and indemnities due to American citizens.

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Mr. Houston submitted the following resolution for consideration:

Whereas, the President of the United States did, on the 23d instant, submit to the Senate an instrument purporting to be a treaty between the government of the United States and the republic of Mexico, signed at Guadalupe Hidalgo, on the second day of the present month, by Nicholas P. Trist, falsely assuming to act under the authority of the President of the United States and Luis G. Cuevas, Bernardo Conto, and Mig. Atristain, pretending to act by the authority of Mexico:

And whereas, the said Nicholas P. Trist was, at the time of signing said instrument, acting contumaciously and in direct violation of the orders of his government recalling him, which orders he had communicated to the Mexican authorities:

And whereas, the said instrument having been signed by a person falsely representing himself as a minister of this government while acting in violation of his instructions, the laws of the land, and the constitution of this Union, and to the great scandal of our national character, renders the said instrument utterly void and ineffectual; it would therefore be dangerous, if not ruinous, for the Senate, by their decision, to sanction such a flagrant disregard of the institutions of the country, as it would be holding out inducements to similar acts by vicious men, who may be actuated by the most corrupt and treasonable intentions against the liberties of the country:

And whereas, the very peculiar circumstances under which the said instrument was concluded, do not leave it free from well-grounded suspicion of the interference of agents of other powers, not parties to the instrument, and whose interests are adverse to those of the United States; and, further, it is manifest from the correspondence before the Senate, that information affecting the character of the country as well as the instrument itself, is not before this body, and as the individual who sent the same has promised much matter with the duplicate, which is to arrive soon:

And whereas, it has been declared to be the object of the present war to obtain "indemnity for the past and security for the future," and as it is most probable that the domain proposed to be ceded by Mr. Trist's agreement is all granted by Mexico, or will be covered by fraudulent grants, if the agreement should become a treaty, leaving to the United States mere civil and political jurisdiction of the same, while it would be incumbered by conditions relative to the Indians which would be worth more, in a pecuniary point of view, than all the vacant land acquired, and which would leave the government of the United States no indemnity in honor for the lives of its gallant sons who have fallen, no indemnity for the millions expended, nor for the blur which must dim the lustre of our national escutcheon:

And whereas, the conduct of the authorities of Mexico have been such as to justify this government to treat her as a conquered people, and to claim a full indemnity for all the injuries which we, as a nation, have sustained from her since she has claimed to be a republic;

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it would therefore be but just to the nation and benificent to those of her people who would fall thereby into the United States, that the line of the portion of territory to be claimed should begin one league south of Tampico, on the sea shore, and from thence running in a straight line west northwest from the beginning, and passing one league south of San Louis Potosi, to the summit of the main ridge of the Sierra Madre and thence northwest along the said ridge of the Sierra, until it strikes the twenty-fifth degree of north latitude, and then with said degree or parallel west until it reaches the eastern line of Lower California, thence pursuing said line south and west until it reaches the Pacific ocean, including such islands as may lie within six leagues of the shore acquired by the United States as a "just indemnity for the past:"

And whereas, it is not probable, or even to be supposed, that Mexico will be able to establish and maintain order for the future, it is then proper, and will be wisdom, to retain possession of Vera Cruz and the Castle of San Juan d'Ulloa, to be garrisoned by a force sufficient for its defence and other points, if needful, as "security for the future," until Mexico shall manifest her capacity or incapacity for self-government, so that foreign powers may not have a pretext for interference in the policy of nations upon this continent; and if they should attempt to interfere, that the United States will be in a condition to vindicate her rights and national honor:

And whereas, if Mexico is acting in good faith and is disposed to carry out the agreement now before the Senate for its action, the Executive has power to send an authorized agent or agents, and give such instructions as he may advise, and thereby rebuke the audacious interference of unauthorized agents in the diplomacy of our country, and prevent a like transaction, or to send a gentleman whose intelligence and integrity will restrain him from attempting any violation of the rights or territory of any sovereign State of this Union:

Therefore,

Resolved, That the before described agreement be rejected by the Senate.

Mr. Baldwin submitted a resolution, which having been considered, by unanimous consent, was, on motion by Mr. Dickinson, amended and agreed to, as follows:

Resolved, That the President be requested to communicate to the Senate, in confidence, the entire correspondence between Mr. Trist and the Mexican commissioners from the time of his arrival in Mexico until the time of the negotiation of the treaty submitted to the Senate; and, also, the entire correspondence between Mr. Trist and the Secretary of State in relation to his negotiations with the Mexican commissioners; also, all the correspondence between General Scott and the government and between General Scott and Mr. Trist since the arrival of Mr. Trist in Mexico, which may be in possession of the government.

Ordered, That the Secretary lay the said resolution before the President of the United States.

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TUESDAY, FEBRUARY 29, 1848.

The following message was received from the President of the United States, by Mr. Walker, his secretary:

[CONFIDENTIAL.]

To the Senate of the United States:

In compliance with the resolution of the Senate, passed in "executive session" on yesterday, requesting the President "to communicate to the Senate *in confidence* the entire correspondence between *Mr. Trist* and the Mexican commissioners, from the time of his arrival in Mexico until the time of the negotiation of the treaty submitted to the Senate; and also the entire correspondence between *Mr. Trist* and the Secretary of State, in relation to his negotiations with the Mexican commissioners; also, all the correspondence between *General Scott* and the government, and between *General Scott* and *Mr. Trist*, since the arrival of Mr. Trist in Mexico, which may be in the possession of the government," I transmit herewith the correspondence called for. These documents are very voluminous, and presuming that the Senate desired them in reference to early action on the treaty with Mexico, submitted to the consideration of that body by my message of the 22d instant, the originals of several of the letters of Mr. Trist are herewith communicated, in order to save the time which would necessarily be required to make copies of them. These original letters it is requested may be returned when the Senate shall have no further use for them.

The letters of Mr. Trist to the Secretary of State, and especially such of them as bear date subsequent to the receipt by him of his letter of recall as commissioner, it will be perceived, contain much matter that is impertinent, irrelevant, and highly exceptionable. Four of these letters, bearing date respectively the 29th December, 1847, January 12, January 22, and January 25, 1848, have been received since the treaty was submitted to the Senate. In the latter, it is stated that the Mexican commissioners who signed the treaty derived "their full powers bearing date on the 30th December, 1847, from the President *ad interim* of the republic, (General Anaya,) constitutionally elected to that office in November by the sovereign constituent Congress" of Mexico. It is impossible that I can approve the conduct of *Mr. Trist* is disobeying the positive orders of his government, contained in the letter recalling him, or do otherwise than condemn much of the matter with which he has chosen to encumber his voluminous correspondence. Though all of his acts, since his recall, might have been disavowed by his government, yet *Mexico* can take no such exception. The treaty which the Mexican commissioners have negotiated with him, with a full knowledge on their part that he had been recalled from his mission, *is* binding on Mexico.

Looking at the actual condition of Mexico, and believing that, if the present treaty be rejected, the war will probably be continued,

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at great expense of life and treasure, for an indefinite period; and considering that the terms, with the exceptions mentioned in my message of the 22d instant, conformed substantially, so far as relates to the main question of boundary, to those authorized by me in April last, I considered it to be my solemn duty to the country, uninfluenced by the exceptionable conduct of Mr. Trist, to submit the treaty to the Senate, with a recommendation that it be ratified with the modifications suggested.

Nothing contained in the letters received from Mr. Trist since it was submitted to the Senate has changed my opinion on the subject.

The resolution also calls for "all the correspondence between General Scott and the government since the arrival of Mr. Trist in Mexico." A portion of that correspondence, relating to Mr. Trist and his mission, accompanies this communication. The remainder of the "correspondence between General Scott and the government" relates mainly if not exclusively to military operations. A part of it was communicated to Congress with my annual message, and the whole of it will be sent to the Senate if it shall be desired by that body.

As coming within the purview of the resolution, I also communicate copies of the letters of the Secretary of War to Major General Butler, in reference to Mr. Trist's remaining at the head-quarters of the army in the assumed exercise of his powers of commissioner.

JAMES K. POLK.

WASHINGTON, *February* 29, 1848.

The message was read.

On motion by Mr. Houston,

Ordered, That the message and documents communicated therewith be printed in confidence for the use of the Senate.

The Senate proceeded to consider the resolution submitted by Mr. Webster, the 28th instant; and after debate,

On motion by Mr. Johnson, of Maryland,

The Senate adjourned.

WEDNESDAY, MARCH 1, 1848.

The treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo on the 2d day of February, in the year 1848, was read the second time.

On motion by Mr. Sevier,

Ordered, That the Secretary withdraw from the printer the message and documents which were on the 29th February ordered to be printed in confidence for the use of the Senate.

On motion by Mr. Badger,

The Senate proceeded to reconsider the order for the printing of the message and documents received on the 29th February; and,

On motion by Mr. Sevier,

Ordered, That the message with the accompanying documents, except those received from Nathaniel P. Trist, be printed in confi-

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dence for the use of the Senate; and that the latter be referred to the Committee on Foreign Relations.

Mr. Houston submitted the following resolution for consideration:

Resolved, That the reporter of the Senate be sworn to preserve inviolable secrecy regarding the proceedings and debates of the Senate, while the subject of the treaty with Mexico shall be under consideration in executive session; and that he be admitted into the Senate chamber during the discussion of that subject with a view to report the debates under the injunction of secrecy, and subject to the future order of the Senate.

The Senate resumed the consideration of the resolution submitted by Mr. Webster, the 28th instant; and, after debate,

On motion by Mr. Johnson, of Maryland,

The Senate adjourned.

THURSDAY, March 2, 1848.

Mr Mangum, from the Committee on Foreign Relations, to whom was referred, on the 1st instant, the correspondence from Nathaniel P. Trist, received with the message of the 29th February, reported that the letter from N. P. Trist, of the 25th January, 1848, alone, be printed; but that the committee had examined all the letters and marked such parts as, in their opinion, should be omitted in any order to print those letters.

On motion by Mr. Webster,

Ordered, That the correspondence of Nathaniel P. Trist, with the exception of such parts as have been marked for omission by the Committee on Foreign Relations, be printed in confidence for the use of the Senate.

The Senate resumed the consideration of the resolution submitted by Mr. Webster, the 28th instant; and,

On motion by Mr. Mangum,

Ordered, That it lie on the table.

On motion by Mr. Houston,

The Senate proceeded to consider the resolution, submitted the 1st instant, to admit the reporter of debates in executive session; and,

On the question to agree thereto,

It was determined in the negative.

On motion by Mr. Sevier,

The Senate, as in Committee of the Whole, proceeded to consider the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic.

On motion by Mr. Sevier,

To strike out the tenth article of the treaty, a debate ensued.

On motion by Mr. Miller,

That the Senate adjourn.

It was determined in the negative,

Yeas	15
Nays	30

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,

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Those who voted in the affirmative are,

Messrs. Badger, Benton, Berrien, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Greene, Mangum, Miller, Spruance, Underwood, Upham.

Those who voted in the negative are,

Messrs. Allen, Ashley, Atchison, Atherton, Baldwin, Bradbury, Breese, Bright, Butler, Cass, Davis, of Mississippi, Dickinson, Dix, Douglass, Downs, Felch, Foot, Hannegan, Houston, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Sevier, Sturgeon, Turney, Yulee.

The question recurring on the motion of Mr. Sevier, to strike out the tenth article of the treaty:

On motion, by Mr. Crittenden,

To divide the question, by striking out from the tenth article the words from "but" to "void," inclusive:

The question was stated, "Shall these words stand as part of the tenth article?" to wit:

"But the grantees of lands in Texas, put in possession thereof, who, by reason of the circumstances of the country since the beginning of the troubles between Texas and the Mexican government, may have been prevented from fulfilling all the conditions of their grants, shall be under the obligation to fulfil the said conditions within the periods limited in the same respectively; such periods to be now counted from the date of the exchange of ratifications of this treaty; in defanlt of which the said grants shall not be obligatory upon the State of Texas, in virtue of the stipulations contained in this article.

"The foregoing stipulation in regard to grantees of land in Texas is extended to all grantees of land in the territories aforesaid elsewhere than in Texas, put in possession under such grants; and, in default of the fulfilment of the conditions of any such grant, within the new period, which, as is above stipulated, begins with the day of the exchange of ratifications of this treaty, the same shall be null and void:"

And it was determined in the negative—nays 48.

Those who voted are,

Messrs. Allen, Ashley, Atherton, Badger, Baldwin, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Greene, Hale, Houston, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Pearce, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Westcott, Yulee.

On motion, by Mr. Mangum, further to divide the question, by striking out the last sentence of the tenth article;

The question was stated, "Shall these words stand as part of the tenth article?" to wit:

"The Mexican government declares that no grant whatever of lands in Texas has been made since the second day of March, one thousand eight hundred and thirty-six; and that no grant whatever

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of lands in any of the territories aforesaid has been made since the thirteenth day of May, one thousand eight hundred and forty-six;"

And it was determined in the negative, { Yeas ..... 17 / Nays 32

Those who voted in the affirmative are,

Messrs. Badger, Baldwin, Bell, Berrien, Butler, Clarke, Corwin, Crittenden, Dayton, Greene, Johnson, of Maryland, Johnson, of Georgia, Miller, Pearce, Spruance, Underwood, Upham.

Those who voted in the negative are,

Messrs Allen, Ashley, Atchison, Atherton, Benton, Bradbury, Breese, Bright, Calhoun, Cass, Davis, of Massachusetts, Davis, of Mississippi, Dickinsin, Dix, Douglas, Downs, Felch, Foote, Hale, Houston, Hunter, Lewis, Mangum, Mason, Moor, Niles, Rusk, Sevier, Sturgeon, Turney, Westcott, Yulee.

The question then recurring on striking out the remaining part of the tenth article;

On motion by Mr. Bell,

The Senate adjourned.

FRIDAY, March 3, 1848.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic; and the question recurring on striking out the remaining part of the tenth article.

After debate,

The question was stated, "Shall these words stand as part of the treaty?" to wit:

"All grants of land made by the Mexican government, or by the competent authorities in territories previously appertaining to Mexico and remaining for the future within the limits of the United States, shall be respected as valid to the same extent that the same grants would be valid if the said territories had remained within the limits of Mexico;"

And it was determined in the negative, { Yeas ..... 19 / Nays 33

Those who voted in the affirmative are,

Messrs. Ashley, Badger, Baldwin, Berrien, Butler, Clarke, Clayton, Corwin, Crittenden, Dayton, Greene, Hale, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Miller, Pearce, Spruance, Upham.

Those who voted in the negative are,

Messrs. Allen, Atchison, Atherton, Bagby, Bell, Benton, Bradbury, Breese, Bright, Calhoun, Cass, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Houston, Hunter, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Phelps, Rusk, Sevier, Sturgeon, Turney, Underwood, Westcott, Yulee.

On motion, by Mr. Breese,

To strike out of the eleventh article the following words, to wit:

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"Nor to provide such Indians with firearms or ammunition, by sale or otherwise."

After debate,

The question was stated, "Shall these words stand as part of the eleventh article?"

And it was determined in the negative, { Yeas ..... 20 / Nays 29

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Bell, Butler, Cass, Dickinson, Dix, Foote, Hale, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moor, Sevier, Sturgeon, Turney.

Those who voted in the negative are,

Messrs. Allen, Atchison, Badger, Baldwin, Benton, Berrien, Bradbury, Breese, Bright, Calhoun, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Douglas, Downs, Felch, Hannegan, Houston, Hunter, Lewis, Niles, Phelps, Rusk, Spruance, Underwood, Webster, Westcott, Yulee.

On motion, by Mr. Rusk,

To strike out of the eleventh article the following words, to wit:

"And in the event of any person or persons captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives, who in the mean time shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence through any other channel of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

"For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require; and, finally, the sacredness of this obligation shall never be lost sight of by the said government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restain."

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After debate,

The question was stated, "Shall these words stand as part of the eleventh article?"

And it was determined in the affirmative, { Yeas ..... 39 / Nays 12

Those who voted in the affirmative are,

Messrs. Ashley, Atchison, Atherton, Bagby, Baldwin, Bell, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Crittenden, Davis, of Massachusetts, Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Georgia, Mangum, Mason, Miller, Moore, Niles, Phelps, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Yulee.

Those who voted in the negative are,

Messrs. Allen, Badger, Benton, Berrien, Corwin, Davis, of Mississippi, Douglas, Houston, Lewis, Rusk, Webster, Westcott.

On motion, by Mr. Douglas,

To strike out of the eleventh article the following words, to wit:

"Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme; it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whensoever this may be necessary; and that when they cannot be prevented they shall be punished by the said government, and satisfaction for the same shall be exacted: all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory against its own citizens."

After debate,

The question was stated, "Shall these words stand as part of the eleventh article?"

And it was determined in the affirmative, { Yeas ..... 47 / Nays 5

Those who voted in the affirmative are,

Messrs. Ashley, Atchison, Atherton, Badger, Bagby, Baldwin, Bell, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Hale, Hannegan, Houston, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moor, Niles, Phelps, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Webster, Yulee.

Those who voted in the negative are,

Messrs. Allen, Benton, Douglas, Lewis, Westcott.

On motion by Mr. Sevier,

To strike out the additional and secret article of the treaty.

The question was stated, "Will the Senate advise and consent to the ratification of this article?"

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And it was determined in the negative, { Yeas ..... 2 / Nays 48

Those who voted in the affirmative are,

Messrs. Baldwin and Johnson, of Maryland.

Those who voted in the negative are,

Messrs. Allen, Ashley, Atchison, Atherton, Badger, Bagby, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Greene, Hale, Hannegan, Houston, Hunter, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Moor, Niles, Phelps, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Webster, Westcott, Yulee.

On motion by Mr. Berrien,

The Senate adjourned.

SATURDAY, March 4, 1848.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic.

On motion by Mr. Westcott,

To strike out of the fifteenth article the following words, to wit: "To an amount not exceeding three and one quarter millions of dollars."

The question was stated, "Shall these words stand as part of the fifteenth article?"

And it was determined in the affirmative, { Yeas ..... 41 / Nays 9

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Baldwin, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Clarke, Crittenden, Davis, of Massachusetts, Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mason, Miller, Moor, Niles, Pearce, Phelps, Sevier, Spruance, Sturgeon, Turney, Underwood, Yulee.

Those who voted in the negative are,

Messrs. Badger, Corwin, Davis, of Mississippi, Houston, Johnson, of Louisiana, Mangum, Rusk, Upham, Westcott.

On motion by Mr. Douglas,

To strike out of the fourth article the following words, to wit:

"It is also agreed, that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the government of the said United States will exact the release of such captives, and cause them to be restored to their country."

After debate,

The question was stated "Shall these words stand as part of the fourth article?"

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And it was determined in the affirmative, { Yeas ..... 39 / Nays 10

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Badger, Bagby, Baldwin, Bell, Breese, Bright, Butler, Calhoun, Cass, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Dix, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Mason, Miller, Moor, Niles, Pearce, Phelps, Sevier, Sturgeon, Turney, Underwood, Upham, Yulee.

Those who voted in the negative are,

Messrs. Allen, Benton, Clarke, Dickinson, Douglas, Houston, Johnson, of Georgia, Lewis, Rusk, Westcott.

On motion of Mr. Davis, of Mississippi,

To strike out of the fifth article the following words, to wit:

"And no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each, in conformity with its own constitution."

After debate,

The question was stated, "Shall these words stand as part of the fifth article?"

And it was determined in the affirmative, { Yeas ..... 42 / Nays 11

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Badger, Bagby, Baldwin, Bell, Berrien, Bradbury, Bright, Butler, Calhoun, Cass, Clarke, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Dix, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moor, Niles, Pearce, Phelps, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham.

Those who voted in the negative are,

Messrs. Allen, Atchison, Benton, Breese, Davis, of Mississippi, Dickinson, Douglas, Houston, Lewis, Westcott, Yulee.

On motion by Mr. Davis, of Mississippi,

"To strike out of the twenty-second article the following words, to wit:

"Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take any thing from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent pur-

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poses, shall be respected, and all persons connected with the same protected in the discharge of their duties and the pursuit of their vocations."

After debate,

The question was stated, "Shall these words stand as part of the twenty-second article ?"

And it was determined in the affirmative, { Yeas ..... 45 / Nays 5

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Badger, Bagby, Baldwin, Bell, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Douglas, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moor, Niles, Pearce, Phelps, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Yulee.

Those who voted in the negative are,

Messrs. Benton, Davis, of Mississippi, Houston, Lewis, Westcott.

On motion by Mr. Johnson, of Maryland,

That the Senate adjourn.

It was determined in the negative, { Yeas ..... 25 / Nays 29

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Atchison, Badger, Bagby, Baldwin, Bell, Benton, Berrien, Clarke, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Greene, Johnson, of Maryland, Johnson, of Louisiana, Lewis, Miller, Pearce, Phelps, Rusk, Spruance, Underwood, Upham, Webster, Westcott.

Those who voted in the negative are,

Messrs. Allen, Ashley, Atherton, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hale, Hannegan, Houston, Hunter, Johnson, of Georgia, Mangum, Mason, Moor, Niles, Sevier, Sturgeon, Turney, Yulee.

On motion by Mr. Davis, of Mississippi,

To strike out of the fifth article the following words, to wit:

"The mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence, up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Passo) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila, (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same; thence down the middle of the said branch and of the said river, until it empties into the Rio Col-

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orado; thence, across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean.

"The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map, entitled '*map of the United Mexican States, as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York in* 1847 *by J. Disturnell:*' of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line, drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port, made in the year seventeen hundred and eighty-two by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners *Sutil* and *Mexicana*; of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries."

The question was stated, "Shall these words stand as part of the fifth article?"

On motion by Mr. Lewis,

That the Senate adjourn.

It was determined in the affirmative, { Yeas ..... 27 / Nays 19

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Atchison, Badger, Bagby, Baldwin, Bell, Benton, Berrien, Calhoun, Clarke, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Greene, Houston, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Miller, Pearce, Phelps, Rusk, Spruance, Underwood, Upham, Westcott.

Those who voted in the negative are,

Messrs. Ashley, Atherton, Bradbury, Breese, Bright, Butler, Cass, Dickinson, Douglas, Downs, Foote, Hannegan, Hunter, Mangum, Mason, Moor, Sevier, Turney, Yulee.

So the Senate adjourned.

MONDAY, March 6, 1848.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic; and the question recurring on the motion of Mr. Davis, of Mississippi, to strike out the words stated from the fifth article,

On motion, by Mr. Davis, of Mississippi, and by unanimous consent,

Ordered, That he have leave to withdraw the said motion.

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On motion, by Mr. Davis, of Mississippi, to insert the following, to wit:

ARTICLE X. The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite a point midway between the mouths of the river San Fernando and Santander, (Boquillas Cerradas and Barra de Santander,) thence westwardly to the town of Labradores, at the head of the mountain pass, from the plain of Linares, thence to Agua Nueva, thence to the southwestern angle of the State of Cohahuila, thence northwardly along the highlands of the Balson de Malpimi and Santa Rosa mountains to the Rio Grande, the line to be so traced as to include the sources of the river Sabinas, and to intersect the Rio Grande above the mouth of the river Puerco, thence up the main channel of said Rio Grande to the thirty-first-parallel of north latitude, thence due west to the thirty fourth meridian of longitude west of Washington, thence, in a direct line, to a point on the Rio Colorado of the west, ten miles below the junction of the Gila and Colorado rivers, thence to a point on the coast of the Pacific ocean, one marine league south of the most southern point of the harbor of San Diego.

"In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of the ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary."

After debate,

The question was stated, "Will the Senate advise and consent to the ratification of this article?"

And it was determined in the negative, { Yeas ..... 11 / Nays ..... 44 }

Those who voted in the affirmative are,

Messrs. Allen, Atchison, Davis, of Mississippi, Dickinson, Douglas, Hannegan, Houston, Lewis, Rusk, Turney, Westcott.

Those who voted in the negative are,

Messrs. Ashley, Atherton, Badger, Bagby, Baldwin, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Dix, Downs, Felch, Foote, Greene, Hale, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moor, Niles, Pearce, Phelps, Sevier, Spruance, Sturgeon, Underwood, Upham, Webster.

On motion by Mr. Westcott,

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To strike out of the ninth article the following words, to wit:

"The relations and communication between the Catholics living in the territories aforesaid, and their respective ecclesiastical authorities, shall be open, free, and exempt from all hindrance whatever, even although such authorities should reside within the limits of the Mexican republic, as defined by this treaty; and this freedom shall continue, so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic church."

After debate,

On motion by Mr. Atchison,

The Senate adjourned.

TUESDAY, March 7, 1848.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic; and the question recurring on the motion of Mr. Westcott to strike out the words stated from the ninth article,

On motion by Mr. Westcott, and by unanimous consent,

Ordered, That he have leave to withdraw the said motion.

On motion by Mr. Johnson, of Georgia,

To insert in the ninth article, after the words "Mexican laws," the following words, to wit: *not inconsistent with the constitution and laws of the United States.*

The question was stated, "Shall these words stand as part of the ninth article?"

And it was determined in the affirmative, { Yeas ..... 38 / Nays 7

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atherton, Baldwin, Bell, Berrien, Breese, Butler, Calhoun, Cameron, Clarke, Corwin, Crittenden, Davis, of Mississippi, Dayton, Dickinson, Dix, Felch, Foote, Greene, Hale, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Westcott, Yulee.

Those who voted in the negative are,

Messrs. Atchison, Badger, Bright, Davis, of Massachusetts, Downs, Lewis, Moor.

On motion of Mr. Johnson, of Georgia,

To insert at the end of the ninth article the following, to wit:

Provided nothing herein contained shall be so construed as to secure to Roman Catholics their religious corporations or communities, or the ecclesiastical authorities of the Roman Catholic church any other rights and privileges than such as are enjoyed by other religious sects, their corporations or communities, or ecclesiastical authorities, in the United States.

The question was stated, "Shall these words stand as part of the ninth article?"

And it was determined in the negative, { Yeas ..... 13 / Nays 29

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Those who voted in the affirmative are,

Messrs. Atchison, Bradbury, Breese, Calhoun, Hannegan, Johnson, of Georgia, Lewis, Mason, Rusk, Sevier, Turney, Underwood, Westcott.

Those who voted in the negative are,

Messrs. Ashley, Atherton, Badger, Baldwin, Bell, Berrien, Bright, Butler, Clark, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Downs, Felch, Foote, Greene, Hale, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Moor, Niles, Pearce, Phelps, Spruance, Sturgeon, Upham, Yulee.

On motion by Mr. Westcott,

To strike out of the ninth article the following words, to wit:

"Finally, the relations and communication between the Catholics living in the territories aforesaid, and their respective ecclesiastical authorities, shall be open, free, and exempt from all hindrance whatever, even although such authorities should reside within the limits of the Mexican republic, as defined by this treaty; and this freedom shall continue so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic church:"

After debate,

The question was stated, "Shall these words stand as part of the ninth article?"

And it was determined in the negative, { Yeas ..... 18 / Nays 29

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bradbury, Butler, Cameron, Dickinson, Dix, Downs, Felch, Foote, Hale, Johnson, of Louisiana, Moor, Niles, Sevier, Sturgeon, Turney, Yulee.

Those who voted in the negative are,

Messrs. Atchison, Badger, Bell, Berrien, Bright, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Greene, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Pearce, Phelps, Rusk, Spruance, Underwood, Upham, Webster, Westcott.

On motion by Mr. Davis, of Massachusetts,

To strike out of the ninth article the following words, to wit:

"The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the Federal constitution, to the enjoyment of all the rights of citizens of the United States. In the mean time they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights, their condition shall be on an equality with that of the inhabitants of the other territories of the United States, and at least equally good as that of the inhabitants of Louisiana and the Floridas, when these provinces, by transfer from the French republic and the crown of Spain, became territories of the United States.

"The same most ample guaranty shall be enjoyed by all eccle-

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siastics and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individual or corporate. This guaranty shall embrace all temples, houses, and edifices dedicated to the Roman Catholic worship, as well as all property destined to its support, or to that of schools, hospitals, and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American government, or as subject to be by it disposed of, or diverted to other uses."

After debate,

The question was stated, "Shall these words stand as part of the ninth article?"

And it was determined in the negative, { Yeas ..... 16 / Nays 31

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Butler, Cameron, Dickinson, Dix, Downs, Felch, Foote, Johnson, of Louisiana, Moor, Niles, Sevier, Sturgeon, Turney, Westcott.

Those who voted in the negative are,

Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Bradbury, Bright, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Greene, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Pearce, Phelps, Rusk, Spruance, Underwood, Upham, Webster, Yulee.

On motion by Mr. Mason,

To insert the following, to wit:

Article IX. The Mexicans in the territories aforesaid shall be secured in the free exercise of their religion without any restriction; and those who may desire to remove to the Mexican republic shall be permitted to sell or export their effects at any time whatever without being subject in either case to the payment of any duties.

The Mexicans who, in the territories aforesaid, shall not retain the character of Mexican citizens, conformably to the stipulations of the preceding article, shall be incorporated into the union of the United States as soon as may be consistent with the principles of the Federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States; and, in the mean time, they shall be maintained and protected in the full enjoyment of their liberty and property."

After debate,

The question was stated "Will the Senate advise and consent to the ratification of this article?"

And it was determined in the affirmative, { Yeas..... 42 / Nays..... 4

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atchison, Atherton, Badger, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, John-

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son, of Georgia, Lewis, Mangum, Mason, Moor, Niles, Pearce, Sevier, Spruance, Sturgeon, Turney, Underwood, Yulee.

Those who voted in the negative are,

Messrs. Baldwin, Bell, Hale, Rusk.

On motion by Mr. Sevier,

To insert, after the word "Washington," in the twenty-third article, the following words, to wit:

"*Or at the seat of government of Mexico.*"

The question was stated, "Shall these words stand as part of the twenty-third article?"

And it was determined in the affirmative, { Yeas ..... 44 / Nay 1

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atchison, Atherton, Badger, Baldwin, Bell, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Clarke, Clayton, Corwin, Davis, of Mississippi, Dayton, Dickinson, Dix, Douglas, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Yulee.

And Mr. Westcott voted in the negative.

Mr. Crittenden submitted the following resolutions:

Resolved, That the treaty be recommitted to the Committee on Foreign Relations, with instructions so to modify the same as to make its limits and boundaries conform to the following resolutions:

Resolved, That considerations of our own power and the weakness of Mexico, already vanquished by our arms, ought only to make us more careful not to exact from her any indemnities or terms of peace beyond the strict measure of our rightful claims; and that the United States need not to seek or desire any other or better security for the future than they possess in their own ability and readiness to protect themselves, and defend their own rights.

Resolved, That we fully concur in the sentiment expressed by the President, that war should not be waged for the acquisition of territory by conquest; yet, if it be agreeable to Mexico to settle our claims against her by a cession of territory, we should prefer one of more limited extent, with a correspondent reduction of price, than that described in the treaty now before the Senate—a cession which should have for its principal objects a satisfactory establishment of the boundary of Texas and the acquisition of the bay and harbor of San Francisco.

Resolved, That by adhering to this limited cession, all the objects of a true national policy would be obtained, domestic questions of great difficulty and embarrassment avoided, the true principles of our government preserved, and a commendable example of justice and moderation set before the world.

Resolved, That in an especial manner, we could not, without great reluc ance, be constrained to accept the cession of the State of New M xico with a population of about one hundred and fifty thousand hostile people unwilling to be united to us, and unfit to be trusted with a participation in our free forms of government, to

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the principles of which they are utter strangers. To accept the cession of this territory, large enough, and even at the present moment with population enough, to form one or more States, and to incorporate them, as the treaty provides, as soon as possible into this Union, must be regarded as a measure dangerous, and not believed to be in accordance with the wishes and expectations of the great majority of the people of the United States.

On motion by Mr. Crittenden,

That the Senate proceed to consider the said resolutions.

Mr. Douglas objected, as being against the rules of the Senate.

The Vice President decided, that objection having been made, it could not be considered to-day.

From this decision of the Vice President Mr. Bright appealed to the Senate; and,

The question being stated, "Shall the decision of the Vice President stand as the sense of the Senate?"

It was determined in the negative.

The Senate then proceeded to consider the said resolntions;

And on the question to agree thereto,

It was determined in the negative, { Yeas ..... 18 / Nays 30

On motion by Mr. Berrien,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Badger, Baldwin, Bell, Berrien, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Greene, Hale, Johnson, of Maryland, Mangum, Milier, Spruance, Underwood, Upham.

Those who voted in the negative are,

Messrs. Allen, Ashley, Atchison, Atherton, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Rusk, Sevier, Sturgeon, Turney, Yulee.

So the resolutions were not agreed to.

The following message was received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States:

I lay before the Senate a letter of the 12th February, 1848, from N. P. Trist, together with the authenticated map of the United Mexican States, and of the plan of the port of San Diego, referred to in the fifth article of the treaty "of peace, friendship, limits, and settlement between the United States of America and the Mexican republic," which treaty was transmitted to the Senate with my message of the 22d ultimo.

JAMES K. POLK.

Washington, *March* 7, 1848.

The message was read.

On motion by Mr. Mangum,

The Senate adjourned.

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WEDNESDAY, March 8, 1848.

Mr. Davis, of Massachusetts, submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate, confidentially, any additional despatches which may have been received from Nathaniel P. Trist; and especially those which are promised by him in his letter to Mr. Buchanan, of the 2d of February last, if the same have been received.

Mr. Webster submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to inform the Senate of the terms of the authority given to Nathaniel P. Trist to draw for the three millions of dollars authorized by the act of the 2d of March, 1847.

The Senate, as in Committee of the Whole, resumed the consideration of the treaty of peace, friendship, limits, and settlement, between the United States of America and the Mexican republic.

On motion by Mr. Badger,

To strike out of the fifth article the following words, to wit:

"Thence westwardly, along the whole southern boundary of New Mexico, (which runs north of the town called *Paso*,) to its western termination; thence northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or, if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean."

After debate,

The question was stated, "Shall these words stand as part of the fifth article?"

And it was determined in the affirmative, { Yeas ..... 35 / Nays 15

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Bell, Benton, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Rusk, Sevier, Sturgeon, Turney, Yulee.

Those who voted in the negative are,

Messrs. Badger, Baldwin, Berrien, Clarke, Corwin, Davis, of Massachusetts, Greene, Hale, Miller, Pearce, Phelps, Spruance, Underwood, Upham, Webster.

On motion by Mr. Baldwin,

To insert at the end of the fifth article the following words, to wit:

Provided there shall be neither slavery nor involuntary servitude

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in the territories hereby ceded, otherwise than in punishment of crimes, whereof the party shall have been duly convicted.

After debate,

The question was stated, "Shall these words stand as part of the fifth article?"

And it was determined in the negative, { Yeas ..... 15 / Nays 38

Those who voted in the affirmative are,

Messrs. Atherton, Baldwin, Clarke, Clayton, Corwin, Davis, of Massachusetts, Dayton, Dix, Greene, Hale, Miller, Niles, Phelps, Spruance, Upham.

Those who voted in the negative are,

Messrs. Allen, Ashley, Atchison, Badger, Bagby, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Crittenden, Davis, of Mississippi, Dickinson, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Moor, Pearce, Rusk, Sevier, Sturgeon, Turney, Underwood, Yulee.

No further amendment having been made, the treaty was reported to the Senate.

On the question to concur in the amendment made in Committee of the Whole, to wit, to strike out the ninth article,

The question was stated, "Will the Senate advise and consent to the ratification of this article?"

And it was determined in the negative, { Yeas ..... 16 / Nays 28

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Dickinson, Dix, Douglas, Downs, Foote, Hannegan, Johnson, of Louisiana, Moor, Niles, Sevier, Sturgeon, Turney, Yulee.

Those who voted in the negative are,

Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Bradbury, Bright, Calhoun, Clarke, Clayton, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Felch, Greene, Hale, Hunter, Johnson, of Maryland, Lewis, Mangum, Mason, Miller, Phelps, Rusk, Spruance, Underwood, Upham.

On the question to concur in the amendment made in Committee of the Whole, to wit, to insert the following:

ARTICLE IX.—The Mexicans in the territories aforesaid shall be secured in the free exercise of their religion, without any restriction; and those who may desire to remove to the Mexican republic shall be permitted to sell or export their effects at any time whatever, without being subject, in either case, to the payment of any duties.

The Mexicans who, in the territories aforesaid, shall not retain the character of Mexican citizens, conformably to the stipulations of the preceding article, shall be incorporated into the Union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the citizens of the United

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States; and, in the meantime, they shall be maintained and protected in the full enjoyment of their liberty and property.

On motion by Mr. Bell,

To strike out of the said amendment the following words, to wit:

"The Mexicans who, in the territories aforesaid, shall not retain the character of Mexican citizens, conformably to the stipulations of the preceding article, shall be incorporated into the Union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States; and, in the meantime, they shall be maintained and protected in the full enjoyment of their liberty and property;"

After debate,

The question was stated, "Shall these words stand as part of the article?"

And it was determined in the negative, { Yeas ..... 34 / Nays 18

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Davis, of Mississippi, Dickinson, Dix, Downs, Felch, Foote, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Moor, Niles, Rusk, Sevier, Sturgeon, Turney, Westcott, Yulee.

Those who voted in the negative are,

Messrs. Badger, Baldwin, Bell, Berrien, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Greene, Hale, Miller, Phelps, Spruance, Underwood, Upham, Webster.

On motion by Mr. Bell,

To insert, in lieu of the words stricken out, the following, to wit:

The Mexicans who, in the territories aforesaid, shall not retain the character of Mexican citizens, conformably to the stipulations of the preceding article, shall be maintained and protected in the full enjoyment of their liberty and their rights of property.

After debate,

The question was stated, "Shall these words stand as part of the article?"

And it was determined in the negative, { Yeas ..... 15 / Nays 33

Those who voted in the affirmative are,

Messrs. Badger, Baldwin, Bell, Berrien, Clarke, Clayton, Corwin, Davis, of Massachusetts, Greene, Hale, Miller, Spruance, Underwood, Upham, Webster.

Those who voted in the negative are,

Messrs. Allen, Ashley, Atherton, Bagby, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Rusk, Sevier, Sturgeon, Turney, Westcott, Yulee.

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On motion by Mr. Crittenden,

To strike out of said amendment the following words, to wit:

"In the territories aforesaid, shall be secured in the free exercise of their religion, without any restriction; and those who may desire to remove to the Mexican republic shall be permitted to sell or export their effects at any time whatever, without being subject, in either case, to the payment of any duties."

After debate,

The question was stated, "Shall these words stand as part of the article?"

And it was determined in the negative, nays 46.

Those who voted are,

Messrs. Allen, Ashley, Atherton, Badger, Bagby, Baldwin, Bell, Berrien, Breese, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Dickinson, Dix, Douglas, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Yulee.

On motion by Mr. Crittenden,

To insert the following after the words "the Mexicans," in the said amendment, to wit:

Who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted, at the proper time, (to be judged of by the Congress of the United States,) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and, in the meantime, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion, without restriction.

After debate,

The question was stated, "Shall these words stand as part of the article?"

And it was determined in the affirmative, { Yeas ..... 44 / Nays ..... 5 }

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atherton, Bagby, Bell, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Clayton, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Dickinson, Dix, Douglas, Downs, Felch, Foote, Greene, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Yulee.

Those who voted in the negative are,

Messrs. Badger, Baldwin, Corwin, Hale, Webster.

On the question to concur in the amendment made in Committee of the Whole, to wit: to strike out the tenth article:

The question was stated, "Will the Senate advise and consent to the ratification of this article?"

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And it was determined in the negative—nays 41.

Those who voted are,

Messrs. Allen, Ashley, Atherton, Badger, Bagby, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Clayton, Corwin, Crittenden, Davis, of Mississippi, Dayton, Dickinson, Dix, Douglas, Downs, Felch, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Webster, Westcott, Yulee.

On the question to concur in the amendment made in Committee of the Whole, to wit: To strike out of the eleventh article the following words:

"Nor to provide such Indians with fire-arms or ammunition, by sale or otherwise."

The question was stated, "Shall these words stand as part of the eleventh article?"

And it was determined in the negative, { Yeas ..... 28 / Nays 17

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Bell, Bradbury, Bright, Butler, Cameron, Cass, Davis, of Mississippi, Dickinson, Dix, Downs, Felch, Foote, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Moor, Niles, Sevier, Sturgeon, Turney, Webster, Westcott, Yulee.

Those who voted in the negative are,

Messrs. Allen, Badger, Baldwin, Berrien, Calhoun, Clarke, Clayton, Crittenden, Dayton, Douglas, Hunter, Lewis, Miller, Rusk, Spruance, Underwood, Upham.

On motion by Mr. Webster,

That the Senate adjourn.

It was determined in the negative, { Yeas ..... 26 / Nays 26

On motion by Mr. Sevier,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Atchison, Badger, Bagby, Baldwin, Bell, Berrien, Butler, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Greene, Hale, Lewis, Mangum, Miller, Phelps, Spruance, Underwood, Upham, Webster, Westcott.

Those who voted in the negative are,

Messrs. Allen, Ashley, Atherton, Bradbury, Breese, Bright, Cameron, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mason, Moor, Niles, Rusk, Sevier, Sturgeon, Turney, Yulee.

The Senate being equally divided, the Vice President determined the question in the negative.

On the question to concur in the amendment made in Committee of the Whole, to wit: To insert after the word "Washington," in the twenty-third article, the following words:

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Or at the seat of government of Mexico.

The question was stated, "Shall these words stand as part of the twenty-third article?"

And it was determined in the affirmative, { Yeas ..... 38 / Nay 1

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atherton, Badger, Bagby, Baldwin, Bell, Berrien, Breese, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Dickinson, Dix, Douglas, Downs, Felch, Greene, Hale, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Lewis, Mason, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Webster, Yulee.

And Mr. Westcott voted in the negative.

On the question to concur in the amendment made in Committee of the Whole, to wit: To strike out the additional and secret article of the treaty:

The question was stated, "Will the Senate advise and consent to the ratification of this article?"

And it was unanimously determined in the negative.

On motion by Mr. Berrien,

The Senate adjourned.

THURSDAY, March 9, 1848.

The following messages were received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States:

In answer to the resolution of the Senate of this date, requesting the President to communicate to that body "confidentially, any additional despatches which may have been received from *Mr. Trist*, and especially those which are promised by him, in his letter to Mr. Buchanan of the 2d of February last, if the same have been received," I have to state that all the despatches which have been received from Mr. Trist have been heretofore communicated to the Senate.

JAMES K. POLK.

Washington, *March* 8, 1848.

To the Senate of the United States:

In answer to the resolution of the Senate of this date, requesting the President "to inform the Senate of the terms of the authority given to *Mr. Trist* to draw for the three millions of dollars authorized by the act of the 2d of March, 1847," I communicate herewith a report from the Secretary of State, with the accompanying documents, which contain the information called for.

JAMES K. POLK.

Washington, *March* 8, 1848.

The messages were read.

The Senate resumed the consideration of the treaty of peace,

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friendship, limits, and settlement between the United States of America and the Mexican republic.

On motion by Mr. Sevier,

To insert in the third article, after the word "republic," the following words, to wit:

And the ratifications exchanged.

The question was stated, "Shall these words stand as part of the article?"

And it was determined in the affirmative—yeas 48.

Those who voted are,

Messrs. Allen, Ashley, Atherton, Badger, Bagby, Baldwin, Benton, Berrien, Bradbury, Bright, Butler, Calhoun, Cass, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Phelps, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Webster, Yulee.

On motion by Mr. Mangum,

To strike out of the fifteenth article the following words, to wit:

To an amount not exceeding three and one quarter millions of dollars.

After debate,

The question was stated, "Shall these words stand as a part of this article?"

And it was determined in the affirmative, { Yeas ..... 40 / Nays 11

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atherton, Bagby, Baldwin, Bell, Benton, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Crittenden, Davis, of Massachusetts, Dayton, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mason, Miller, Moor, Niles, Phelps, Sevier, Spruance, Sturgeon, Turney, Underwood, Yulee.

Those who voted in the negative are,

Messrs. Badger, Berrien, Clarke, Clayton, Corwin, Davis, of Mississippi, Greene, Johnson, of Louisiana, Mangum, Rusk, Upham.

On motion by Mr. Davis, of Massachusetts,

To strike out the preamble of the treaty.

After debate,

The question was stated, "Shall the preamble stand as part of the treaty?"

And it was determined in the affirmative, { Yeas ..... 32 / Nays 16

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Berrien, Bradbury, Bright, Butler, Calhoun, Cass, Clarke, Dayton, Dickinson, Dix, Downs, Felch, Foote, Hale, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moor, Niles, Phelps, Sevier, Spruance, Sturgeon, Underwood, Yulee.

Those who voted in the negative are,

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Messrs. Allen, Atchison, Badger, Benton, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Douglas, Greene, Hannegan, Lewis, Rusk, Turney, Webster.

On motion by Mr. Davis, of Mississippi,

To strike out of the twelfth article the following words, to wit:

"Certificates in proper form for the said instalments, respectively, in such sums as shall be desired by the Mexican government, and transferable by it, shall be delivered to the said government by that of the United States."

After debate,

The question was stated, "Shall these words stand as part of the article?"

And it was determined in the negative, { Yeas ..... 34 / Nays 19

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Bell, Bradbury, Breese, Butler, Calhoun, Cass, Clarke, Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moor, Niles, Phelps, Sevier, Spruance, Sturgeon, Upham, Yulee.

Those who voted in the negative are,

Messrs. Allen, Atchison, Badger, Baldwin, Benton, Berrien, Bright, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Douglas, Lewis, Rusk, Turney, Underwood, Webster, Westcott.

On motion by Mr. Davis, of Mississippi,

To strike out of the twelfth article the following words, to wit:

"In the one or the other of the two modes below specified. The Mexican government shall, at the time of ratifying this treaty, declare which of these two modes of payment it prefers; and the mode so elected by it shall be conformed to by that of the United States.

"First mode of payment: Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. For the remaining twelve millions of dollars, the United States shall create a stock, bearing an interest of six per centum per annum, commencing on the day of the ratification of this treaty by the government of the Mexican republic, and payable annually at the city of Washington; the principal of said stock to be redeemable there, at the pleasure of the government of the United States, at any time after two years from the exchange of ratifications of this treaty: six months' public notice of the intention to redeem the same being previously given. Certificates of such stock, in proper form, for such sums as shall be specified by the Mexican government, and transferable by the said government, shall be delivered to the same by that of the United States.

"Second mode of payment:"

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After debate,

The question was stated, "Shall these words stand as part of the article?"

And it was determined in the negative, { Yeas ..... 28 / Nays 22

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Bell, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Dickinson, Dix, Downs, Felch, Foote, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mason, Miller, Moor, Niles, Sevier, Sturgeon, Yulee.

Those who voted in the negative are,

Messrs. Allen, Atchison, Badger, Baldwin, Benton, Berrien, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Douglas, Greene, Lewis, Rusk, Spruance, Turney, Underwood, Upham, Webster, Westcott.

On motion by Mr. Baldwin,

To insert at the end of the twelfth article the following words, to wit:

But no part of the sum of twelve millions of dollars stipulated in this article to be paid to the Mexican republic in consideration of the cession to the United States, in sovereignty of territories heretofore pertaining to the governments of California and New Mexico, shall be deemed payable until the assent of the people and governments thereof, respectively, shall be freely given to such cession, and communicated to the President.

The question was stated, "Shall these words stand as part of this article?"

And it was determined in the negative, { Yeas ..... 17 / Nays 35

Those who voted in the affirmative are,

Messrs. Badger, Baldwin, Berrien, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Greene, Hale, Hannegan, Miller, Spruance, Underwood, Upham, Webster.

Those who voted in the negative are,

Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Bell, Benton, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Moor, Niles, Rusk, Sevier, Sturgeon, Turney, Yulee.

On motion by Mr. Mangum,

To reconsider the vote on striking out the preamble of the treaty,

It was determined in the negative, { Yeas ..... 20 / Nays 29

On motion by Mr. Davis, of Massachusetts,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Allen, Badger, Baldwin, Bell, Benton, Berrien, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi,

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Douglas, Greene, Hannegan, Lewis, Mangum, Spruance, Upham, Webster, Westcott.

Those who voted in the negative are,

Messrs. Ashley, Atchison, Atherton, Bagby, Bradbury, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Dayton, Dickinson, Dix, Downs, Felch, Foote, Hale, Hunter, Johnson, of Louisiana, Johnson, of Georgia, Mason, Moor, Niles, Rusk, Sevier, Sturgeon, Underwood, Yulee.

On motion by Mr. Bright,

To reconsider the vote on the first motion of Mr. Davis, of Mississippi, to strike out the words stated from the twelfth article of the treaty,

It was determined in the affirmative.

And the question was again stated, "Shall these words stand as part of this article?"

And it was determined in the negative, { Yeas ..... 30 / Nays 18

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Bell, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Dayton, Dickinson, Dix, Downs, Felch, Foote, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Moor, Niles, Sevier, Sturgeon, Yulee.

Those who voted in the negative are,

Messrs. Allen, Atchison, Badger, Baldwin, Benton, Berrien, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Douglas, Lewis, Spruance, Underwood, Upham, Webster, Westcott.

Mr. Sevier submitted the following resolution for consideration.

Resolved, (*two-thirds of the Senators present concurring*,) That the Senate advise and consent to the ratification of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, in the year 1848, with the following amendments:

Insert in article three, after the words "Mexican republic," where they first occur, the words:

And the ratifications exchanged.

Strike out the ninth article of the treaty, and insert the following in lieu thereof:

ARTICLE IX. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

Strike out the tenth article of the treaty.

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Strike out of the eleventh article of the treaty the following words:

"Nor to provide such Indians with fire-arms or ammunition, by sale or otherwise."

Strike out of the twelfth article of the treaty the following words:

"In the one or the other of the two modes below specified. The Mexican government shall, at the time of ratifying this treaty, declare which of these two modes of payment it prefers; and the mode so elected by it shall be conformed to by that of the United States.

"First mode of payment: Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. For the remaining twelve millions of dollars, the United States shall create a stock, bearing an interest of six per centum per annum, commencing on the day of the ratification of this treaty by the government of the Mexican republic, and payable annually at the city of Washington; the principal of said stock to be redeemable there, at the pleasure of the government of the United States, at any time after two years from the exchange of ratifications of this treaty; six months' public notice of the intention to redeem the same being previously given.

"Certificates of such stock, in proper form, for such sums as shall be specified by the Mexican government, and transferable by the said government, shall be delivered to the same by that of the United States.

"Second mode of payment: Certificates in proper form, for the said instalments respectively, in such sums as shall be desired by the Mexican government, and transferable by it, shall be delivered to the said government by that of the United States."

Insert in the twenty-third article, after the word "Washington," the following words:

Or at the seat of government of Mexico.

Strike out the additional and secret article of the treaty.

On motion by Mr. Badger,

The Senate adjourned.

FRIDAY, March 10, 1848.

The Senate resumed the consideration of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, together with the resolution submitted for the ratification of the same.

On motion by Mr. Johnson, of Maryland,

To amend the treaty by inserting in the resolution the following words, to wit:

Insert at the end of the twelfth article the following words: Certificates in proper form for the two first of said instalments, in such sums as shall be desired by the Mexican government, and transferable by it, shall be delivered to the said government by that of the United States.

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After debate,

The question was stated, "Shall these words stand as part of the resolution?"

And it was determined in the negative, { Yeas ..... 33 / Nays 18

Those who voted in the affirmative are,

Messrs. Ashley, Atchison, Atherton, Bagby, Bell, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Dayton, Dickinson, Dix, Downs, Felch, Foote, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moore, Niles, Sevier, Sturgeon, Turney, Yulee.

Those who voted in the negative are,

Messrs. Allen, Badger, Baldwin, Benton, Berrien, Clarke, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Douglas, Greene, Lewis, Spruance, Underwood, Upham, Webster, Westcott.

On motion by Mr. Cass,

To amend the resolution by inserting the following as a preamble thereto, to wit:

Whereas the President of the United States did, on the 15th day of April, 1847, commission Nicholas P. Trist, a citizen of the United States, to proceed to Mexico with a view of negotiating a treaty of peace with that republic, should an opportunity to effect such object be presented;

And whereas the President of the United States deemed it proper, on the 6th day of October, 1847, to recall the said Nicholas P. Trist from the said mission, which order of recall was disregarded by the said Nicholas P. Trist by his remaining at the city of Mexico after having received such order of recall;

And whereas the said Nicholas P. Trist did, on the 2d February, 1848, notwithstanding his recall by the President, enter into an engagement, purporting to be a treaty, with commissioners appointed by the president of the Mexican republic:

And whereas the terms of the said agreement, with certain exceptions, as stated in the message of the President, of the 22d February, 1848, conform substantially to the instructions furnished to the said Nicholas P. Trist, as commissioner; and the President having adopted the said agreement as a treaty, and communicated the same to the Senate of the United States, with a view to its ratification;

Be it therefore;

After debate,

On the question, "Shall these words stand as part of the resolution?"

It was determined in the negative, { Yeas ..... 26 / Nays 23

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Bell, Benton, Bradbury, Bright, Cameron, Cass, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Dickinson, Downs, Felch,

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Foote, Johnson, of Louisiana, Lewis, Mangum, Miller, Sevier, Sturgeon, Yulee.

Those who voted in the negative are,

Messrs. Badger, Baldwin, Berrien, Butler, Calhoun, Clarke, Corwin, Dix, Douglas, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Georgia, Mason, Moor, Niles, Rusk, Spruance, Underwood, Upham, Webster, Westcott.

On the question to agree to the resolution,

The question was stated, "Will the Senate advise and consent to the ratification of the treaty in the form of this resolution?"

And it was determined in the affirmative, { Yeas ..... 38 / Nays 14

Those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Bell, Bradbury, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Hale, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Sturgeon, Turney, Underwood, Yulee.

Those who voted in the negative are,

Messrs. Allen, Atchison, Badger, Baldwin, Benton, Berrien, Breese, Corwin, Douglas, Lewis, Spruance, Upham, Webster, Westcott.

Ordered, That the Secretary lay the said resolution before the President of the United States.

TUESDAY, March 14, 1848.

On motion by Mr. Dix,

Ordered, That the Secretary cause the printed pamphlet in the Spanish language, communicated with the message of the President of the 29th February, to be translated into English, and that both the original and the translation be printed in confidence for the use of the Senate.

Mr. Allen submitted the following resolution for consideration:

Resolved, That the injunction of secrecy be removed from the treaty between the United States and Mexico, the documents accompanying the same, and the proceedings of the Senate and debates thereon, and the documents sent to the Senate and ordered to be printed relating to the negotiation of said treaty; and also from the messages of the President of the 7th and 9th March, and documents communicated therewith.

The Senate, by unanimous consent, proceeded to consider the said resolution; and,

After debate,

On motion by Mr. Foote,

That the further consideration of the resolution be postponed until Tuesday, the 11th day of April next,

On motion by Mr. Mangum,

The Senate adjourned.

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WEDNESDAY, March 22, 1848.

On motion by Mr. Hannegan,

Ordered, That the Secretary return to the President of the United States the original letters communicated to the Senate the 29th February, as requested in his message of that date, when the printing shall have been completed.

WEDNESDAY, May 31, 1848.

On motion by Mr. Allen,

The Senate proceeded to consider the resolution submitted by him the 14th March last, to remove the injunction of secrecy from the treaty with Mexico, the documents accompanying the same, and the proceedings of the Senate and debates thereon, and the documents sent to the Senate and ordered to be printed relating to the negotiations of said treaty; and also from the messages of the President of the 7th and 9th March, and documents communicated therewith; and agreed thereto.

On motion by Mr. Badger,

Ordered, That the treaty with Mexico, the messages, documents, proceedings, and other matter relating thereto, from which the injunction of secrecy has been removed, be printed for the use of the Senate.

FRIDAY, June 2, 1848.

Mr. Mangum submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the injunction of secrecy be removed from the message of the President of the 29th February, 1848; and from so much of the correspondence between the executive department and Mr. Trist, and other officers of the government in Mexico, and the accompanying papers transmitted to the Senate therewith, as have been printed in confidence; and from the proceedings of the Senate thereon; and that the same be printed for the use of the Senate.

Attest:

ASBURY DICKINS, *Secretary*.

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[CONFIDENTIAL.]

Treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, in the year 1848.

FEBRUARY 23, 1848.

Read, and with the message and documents referred to the Committee on Foreign Relations, and ordered to be printed in confidence for the use of the Senate.

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence, wherein the two people should live, as good neighbors, have for that purpose appointed their respective plenipotentiaries—that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Conto, and Don Miguel Atristain, citizens of the said republic, who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

En el nombre de Dios Todo-Poderoso:

Los Estados Unidos Mexicanos y los Estados Unidos de América, animados de un sincero deseo de poner término á las calamidades de la guerra que desgraciadamente existe entre ambas repúblicas, y de establecer sobre báses sólidas relaciones de paz y buena amistad, que procuren recíprocas ventajas á los ciudadanos de uno y otro pais, y afianzen la concordia, armonia y mútua seguridad en que deben vivir, como buenos vecinos, los dos pueblos han nombrado á este efecto sus respectivos plenipotenciarios; á saber, el Presidente de la república Mexicana á Don Bernardo Conto, Don Miguel Atristain, y Don Luis Gonzaga Cuevas, ciudadanos de la misma república; y el Presidente de los Estados Unidos de América á Don Nicolas P. Trist, ciudadano de dichos Estados; quienes despues de haberse comunicado sus plenos poderes, bajo la proteccion del Señor Dios Todo Poderoso, autor de la paz, han ajustado, convenido, y firmado el siguiente.

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Treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic.

ARTICLE I.

There shall be firm and universal peace between the United States of America and the Mexican republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ARTICLE II.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general-in-chief of the forces of the United States, and such as may be appointed by the Mexican government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICLE III.

Immediately upon the ratification of the present treaty by the government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican republic) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the

Tratado de paz, amistad, limites y arreglo definitivo entre la república Mexicana y los Estados Unidos de América.

ARTICULO I.

Habrá paz firme y universal entre la república Mexicana y los Estados Unidos de América, y entre sus respectivos paises, territorios, ciudades, villas, y pueblos, sin escepcion de lugares ó personas.

ARTICULO II.

Luego que se firme el presente tratado, habra un convenio entre el comisionado ú comisionados del gobierno Mexicano, y el ó los que nombre el General-en-gefe de las fuerzas de los Estados Unidos, para que cesen provisionalmente las hostilidades, y se restablerea en los lugares ocupados por las mismas fuerzas el orden constitucional en lo político, administrativo, y judicial, en cuanto lo permitan las circunstancias de ocupacion militar.

ARTICULO III.

Luego que este tratado sea ratificado por el gobierno de los Estados Unidos, se expedirán órdenes á sus comandantes de tierra y mar previniendo á estos segundos (siempre que el tratado haya sido ya ratificado por el gobierno de la república Mexicana) que inmediatamente alcen el bloqueo de todos los puertos Mexicaños, y mandando á los primeros (bajo la misma condicion) que á la mayor posible brevedad comiencen á retirar todas las tropas de los Estados Unidos que

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United States then in the interior of the Mexican republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the republic shall be completed with the least possible delay; the Mexican government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be despatched to the persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the government of the Mexican republic, and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican republic by the troops of the United States, in virtue of the above stipulation,

se hallären entonces en el interior de la república Mexicana, á puntos que se elegirán de comun acuerdo, y que no distarán de los puertos mas de trienta leguas; esta evacuacion del interior de la república se consumerá con la menor dilacion posible, comprometiéndose á la vez el gobierno Mexicano á facilitar, cuanto quepa en su arbitrio, la evacuacion de las tropas Americanas; á hacer cómodas su marcha y su permanencia en los nuevos puntos que se elijan; y a promover una buena inteligencia entre ellas y los habitantes. Igualmente se ubrarán órdenes á las personas encargadas de las aduanas maritimas en todos los puertos ocupados por las fuerzas de los Estados Unidos, previniéndoles (bajo la misma condicion) que pongan inmediatamente en posesion de dichas aduanas á las personas autorizadas por el gobierno Mexicano para recibirlas, entregándoles al mismo tiempo todas las obligaciones y constancias de deudas pendientes por derechos de importacion y exportacion, cuyos plazos no estén vencidos. Ademas se formara una cuenta fiel y exacta que manifieste el total monto de los derechos de importacion y exportacion, recandados en las mismas aduanas màritimas ó en cualquiera otro lugar de México por autoridad de los Estados Unidos desde el dia de la ratificacion de este tratado por el gobierno de la república Mexicana; y tambien una cuenta de los gastos de recandacion; y la total suma de los derechos cotrados, deducidos solamente los gastos de recandacion, se entregará al gobierno Mexicano en la ciudad de México á los tres meses del cange de las ratificaciones.

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shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican republic, as about to be established by the following article, shall be definitively restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican republic, by the forces of the United States, shall be completed in three months from the said exchange

La evacuacion de la capital de la república Mexicana por las tropas de los Estados Unidos, en consecuencia de lo que queda estipulado, se completará al mes de recibirse por el comandante de dichas tropas las órdenes convenidas en el presente artículo, ó antes si fuere posible.

ARTICULO IV.

Luego que se verifique el cange de las ratificaciones del presente tratodo, todos los castillos, fortalezas, territorios, lugares, y posesiones que hayan tomado ù ocupado las fuerzas de los Estados Unidos, en la presente guerra, dentro de los límites que por el siguiente artículo van á fijarse á la república Mexicana, se devolverán definitivamente á la misma república, con toda la artilleria, armas, aparejos de guerra, municiones, y cualquiera otra propiedad pública existentes en dichos castillos y fortalezas, cuando fueron tomados, y que se conserve en ellos al tiempo de ratificarse por el gobierno de la república Mexicana el presente tratado. A este efecto, inmediatamente despues que se firme, se expedirán órdenes á los oficiales Americanos que mandan dichos castillos y fortalezas para asegurar toda la artilleria, armas, aparejos de guerra, municiones, y cualquiera otra propiedad pública, la cual no podrà en adelante removerse de donde se halla, ni destruirse. La ciudad de Mexico dentro de la línea interior de atrincheramientos que la circundan queda comprendida en la precedente estipulacion en lo que toca a la devolucion de artilleria, aparejos de guerra, etc.

La final evacuacion del territorio de la república Mexicana por las fuerzas de los Estados

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of ratifications, or sooner, if possible: the Mexican government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarcation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the gulf of Mexico, in such case a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comhending the sickly season, shall be understood to extend from the first day of May to the first day of November

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the government of the said United States will exact the release of such captives, and cause them to be restored to their country.

Unidos quedará consumada á los tres meses del cange de las ratificaciones, ó antes si fuére posible, comprometiendose á la vez el gobierno Mexicano, como en el artículo anterior, à usar de todos los medios que estén en su poder para facilitar la tal evacucion, hacerle cómoda á las tropas Americanas, y promover entre ellas y los habitantes una buena inteligencia.

Sin embargo, si la ratificacion del presente tratado por ambas partes no tuviéra effecto en tiempo que permita que el embarque de las tropas de los Estados Unidos se complete, antes de que comience la estacion malsana en los puertos Mexicanos del golfo de México; en tal caso, se hará un arreglo amistoso entre el gobierno Mexicano y el general-engefe de dichas tropas, y por medio de este arreglo se señalarán lugares salubres y convenientes (que no disten de los puertos mas de treinta leguas) para que residan en ellos hasta la vuelta de la estacion sana las tropas que aun no se hayan embarcado. Y queda entendido que el espacio de tiempo de que aquí se habla, como comprensivo de la estacion malsana, se extiende desde el dia primero de Mayo hasta el dia primero de Noviembre.

Todos los prisoneros de guerra tomados en mar ó tierra por ambas partes, se restituirán á la mayor brevedad posible despues del cange de las ratificaciones del presente tratado. Queda tambien convenido que se algunos Mexicanos estuviéren ahora cautivos en poder de alguna tribu salvage dentro de los limites que por el siguiente articulo van á fijarse á los Estados Unidos, el gobierno de los mismos Estados Unidos exigirá su libertad y los hará restituir á su pais.

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ARTICLE V.

The boundary line between the two republics shall commence in the gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence northward, along the western line of New Mexico, until it intersects the first branch of the River Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of the congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in* 1847, *by J. Disturnell.*" Of which map a copy is added to this treaty, bearing the signatures and seals of the undersign-

ARTICULO V.

La línea divisoria entre las dos repúblicas comenzará en el golfo de México, tres leguas fuera de tierra frente á la desembocadura del Rio Grande, llamado por otro nombre Rio Bravo del Norte, ó del mas profundo de sus brazos, si en la desembocadura tuviére, varios brazos; correrá por mitad de dicho rio, siguiendo el canal mas profundo, donde tenga mas de un canal, hasta el punto en que dicho rio corta el lindero meridional de Nuevo Mexico; continuará luego hácia occidente por todo este lindero meridional (que corre al norte del pueblo llamado *Paso*) hasta su término por el lado de occidente; desde alli subirá la linea divisoria hácia el norte por el lindero occidental de Nuevo Mexico, hasta donde este lindero esté cortado por el primer brazo del Rio Gila; (y si no está cortado por ningun brazo del Rio Gila, entonces hasta el punto del mismo lindero occidental mas cercano al tal brazo, y de alli en una línea recta al mismo brazo;) continuará despues por mitad de este brazo y del Rio Gila hasta su confluencia con el Rio Colorado; y desde la confluencia de ambos rios la línea divisoria, cortando el Colorado, seguira el límite que separa la Alta de la Baja California hasta el mar Pacífico.

Los linderos meridional y occidental de Nuevo Mexico, de que habla este articulo, son los que se marcan en la carta titulada: *Mapa de los Estados Unidos de Mexico segun lo organizado y definido por las varias actas del congreso de dicha republica, y construido por las mejores autoridades. Edicion revisada que publico en Nuevo York, en* 1847,

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ed plenipotentiaries. And in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782, by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respect-

J. Disturnell; de la cual se aggrega un ejemplar al presente tratado, firmado y sellado por los plenipotenciarios infrascriptos. Y para evitar toda dificultad al trazar sobre la tierra el límite que separa la Alta de la Baja California, queda convenido que dicho límite consistirá en una linea recta tirada desde la mitad del Rio Gila en el punto donde se une con el Colorado, hasta un punto en la costa del mar Pacífico, distante una legua marina al sur del punto mas meridional del puerto de San Diego, segun este puerto está dibujado en el plano que levantó el año de 1782 el segundo piloto de la armada Española Don Juan Pantoja, y se publicó en Madrid el de 1802, en el atlas para el viage de las goletas Sutil y Mexicana; del cual plano se agrega copia firmada y sellada por los plenipotenciarios respecvivos.

Para consignar la linea divisoria con la precision debida en mapas fehacientes, y para establecer sobre la tierra mojones que pongan á la vista los límites de ambas repúblicas, segun quedan descritos en el presente artículo, nombrará cada uno de los dos gobiernos un comisario y un agrimensor, que se juntarán antes del termino de un año contado desde la fecha del cange de las ratificaciones de este tratado, en el puerto de San Diego, y procederán á señalar y demarcar la expresada linea divisoria en todo su curso hasta la desembocadura del Rio Bravo del Norte. Llevarán diarios y llevantarán planos de sus operaciones: y el resultado convenido por ellos se tendrá por parte de este tratado, y tendrá la misma fuerza que si estuviese inserto en el; debiendo convenir amistosamente los dos gobiernos

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ive escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each, in conformity with its own constitution.

ARTICLE VI.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article: it being understood that this passage is to be by navigating the gulf of California and the river Colorado, and not by land, without the express consent of the Mexican government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.

The River Gila, and the part of the Rio Bravo del Norte lying

en el arreglo de cuanto necesiten estos individuos, y en la escolta respectiva que deban llevar, siempre que se crea necesario.

La linea divisoria que se establece por este artículo será religiosamente respetada por cada una de las dos repúblicas, y ninguna variacion se hará jamás en ella, sino de expreso y libre consentimiento de ambas naciones, otorgado legalmente por el gobierno general de cada una de ellas, con arreglo á su propia constitucion.

ARTICULO VI.

Los buques y ciudadanos de los Estados Unidos tendrán en todo tiempo un libre y no interrumpido tránsito por el golfo de California y por el Rio Colorado desde su confluencia con el Gila, para sus posesiones y desde sus posesiones sitas al norte de la linea divisoria que queda marcada en el artículo precedente; entendíendose que este tránsito se ha de hacer navegando por el golfo de California y por el Rio Colorado, y no por tierra, sin expreso consentimiento del gobierno Mexicano.

Si por reconocimientos que se practiquen se comprobáre la posibilidad y conveniencia de construir un camino, canal, ó ferrocarril, que en todo ó en parte corra sobre el Rio Gila ó sobre alguna de sus márgenes derecha ó izquierda en la latitud de una legua marina de uno ó de otro lado del rio, los gobiernos de ambas repúblicas se pondrán de acuerdo sobre su construccion á fin de que sirva igualmente para el uso y provecho de ambos paises.

ARTICULO VII.

Como el Rio Gila y la parte del Rio Bravo del Norte que cor-

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below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

re bajo el lindero meridional de Nuevo Mexico se dividen por mitad entre las dos repúblicas, segun lo establecido en el artículo quinto, la navegacion en el Gila y en la parte que queda indicada del Bravo, sera libre y comun á los buques y ciudadanos de ambos paises, sin que por alguno de ellos pueda hacerse (sin consentimiento del otro) ninguna obra que impida ó interrumpa en todo ó en parte el ejercicio de este derecho, ni aun con motivo de favorecer nuevos metodos de navegacion. Tampoco se podrá cobrar (sino en el caso de desembarco en alguna de sus riberas) ningun impuesto ó contribucion bajo ninguna denominacion ó título a los buques, efectos, mercancias ó personas que naveguen en dichos rios. Si para hacerlos ó mantenerlos navegables fuere necesario ó conveniente establecer alguna contribucion ó impuesto, no podrá esto hacerse sin el consentimiento de los dos gobiernos.

Las estipulaciones contenidas en el presente artículo dejan ilesos los derechos territoriales de una y otra república dentro de los limites que les quedan marcados.

Article VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please,

Articulo VIII.

Los Mexicanos establecidos hoy en territorios pertenecientes antes á México, y que quedan para lo futuro dentro de los límites señalados por el presente tratado á los Estados Unidos, podrán permanecer en donde ahora habitan, ó trasladarse en cualquier tiempo á la república Mexicana, conservando en los indicados territorios los bienes que poseen, ó enagenándolos y pasando su valor á donde les con-

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without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guaranties equally ample as if the same belonged to citizens of the United States.

venga, sin que por esto pueda exigirseles ningun género de contribucion, gravamen ó impuesto.

Los que prefieran permanecer en los indicados territorios, podrán conservar el título y derechos de ciudadanos Mexicanos, ó adquirir el titulo y derechos de ciudadanos de los Estados Unidos. Mas la eleccion entre una y otra ciudadania deberán hacerla dentro de un año contado desde la fecha del cange de las raticaciones de este tratodo. Y los que permanecieren en los indicados territorios despues de transcurrido el año, sin haber declarado su intencion de retener el carácter de Mexicanos, se considerará que han elegido ser ciudadanos de los Estados Unidos.

Las propiedades de todo género existentes en los expresados territorios, y que pertenecen ahora á Mexicanos no establecidos en ellos, serán respetadas inviolablemente. Sus actuales dueños, los herederos de estos, y los Mexicanos que en lo venidero puedan adquirir por contrato las indicadas propiedades, disfrutarán respecto de ellas tan amplia garantia, como si perteneciesen á ciudadanos de los Estados Unidos.

Article IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights of citizens of the United States. In the meantime, they shall be maintained and

Articulo IX.

Los Mexicanos que en los territorios antedichos no conserven el carácter de ciudadanos de la república Mexicana segun lo estipulado en el precedente artículo, seran incorporados en la union de los Estados Unidos, y se admitirán lo mas pronto posible, conforme á los principios de su constitucion federál, al goze de la plenitud de derechos de ciudadanos de dichos Estados Unidos. En el entretanto serán mantenidos y protegidos en el goze

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protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights, their condition shall be on an equality with that of the inhabitants of the other territories of the United States, and at least equally good as that of the inhabitants of Louisiana and the Floridas, when these provinces, by transfer from the French republic and the crown of Spain, became territories of the United States.

The same most ample guaranty shall be enjoyed by all ecclesiastics and religious corporations or communities, as well in the discharge of the offices of their ministry as in the enjoyment of their property of every kind, whether individual or corporate. This guaranty shall embrace all temples, houses, and edifices dedicated to the Roman Catholic worship, as well as all property destined to its support, or to that of schools, hospitals, and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American government, or as subject to be by it disposed of, or diverted to other uses.

Finally, the relations and communication between the Catholics living in the territories aforesaid, and their respective ecclesiastical authorities, shall be open, free, and exempt from all hindrance whatever, even although such authorities should reside within the limits of the Mexican republic, as defined by this treaty; and this freedom shall continue, so long as a new

de su libertad, de su propiedad y de los derechos civiles que hoy tienen segun las leyes Mexicanas. En lo respectivo á derechos politicos, su condicion será igual á la de los habitantes de los otros territorios de los Estados Unidos, y tan buena á lo menos como la de los habitantes de la Luisiana y las Floridas cuando estas provincias por les cesiones que de ellas hicieron la república Francesa y la corona de España pasaron á ser territorios de la Union Norte Americana.

Desfrutarán igualmente la mas amplia garantia todos los eclesiásticos, corporaciones y comunidades religiosas, tanto en el desempeño de las funciones de su ministerio, como en el goze de su propiedad de todo género, bien pertenezca esta á las personas en particular, bien á las corporaciones. La dicha garantia se extenderá á todos los templos, casas y edificios dedicados al culto Católico Romano, así como á los bienes destinados á su mantenimiento y al de las escuelas, hospitales, y demás fundaciones de caridad y beneficencia. Ninguna propiedad de esta clase se considerará que ha pasado á ser propiedad del gobierno Americano, ó que puede este disponer de ella ó destinarla á otros usos.

Finalmente, las relaciones y comunicacion de los Católicos existentes en los predichos territorios, con sus respectivas autoridades eclesiasticas, serán francas, libres, y sin embarazo alguno, aun cuando las dichas autoridades tengan su residencia dentro de los límites que quedan señalados por el presente tratado á la republica Mexicana, mientras no se haga una nueva demarcacion de distritos eclesiásti-

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demarkation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic church.

ARTICLE X.

All grants of land made by the Mexican government, or by the competent authorities, in territories previously appertaining to Mexico, and remaining for the future within the limits of the United States, shall be respected as valid, to the same extent that the same grants would be valid if the said territories had remained within the limits of Mexico. But the grantees of lands in Texas, put in possession thereof, who, by reason of the circumstances of the country, since the beginning of the troubles between Texas and the Mexican government, may have been prevented from fulfilling all the conditions of their grants, shall be under the obligation to fulfil the said conditions within the periods limited in the same, respectively; such periods to be now counted from the date of the exchange of ratifications of this treaty; in default of which, the said grants shall not be obligatory upon the State of Texas, in virtue of the stipulations contained in this article.

The foregoing stipulation in regard to grantees of land in Texas is extended to all grantees of land in the territories aforesaid, elsewhere than in Texas, put in possession under such grants; and, in default of the fulfilment of the conditions of any such grant, within the new period, which, as is above stipulated, begins with the day of the exchange of ratifications of this treaty, the same shall be null and void.

cos, con arreglo á las leyes de la iglesia Catolica Romana.

ARTICULO X.

Todas las concesiones de tierra hechas por el gobierno Mexicano, ò por las autoridades competentes en territorios que pertenecieron antes á Mexico, y quedan para lo futuro dentro de los límites de los Estados Unidos, serán respetados como validás, con la misma extension con que lo serián si los indicados territoros permaneciéran dentro de los límites de Mexico. Pero los concesionarios de tierras en Tejas, que hubieren tomado posesion de ellas, y que por razon de las circunstancias del pais desde que comenzaron las desavenencias entre el gobierno Mexicano y Tejas, hayan estado impedidos de llenar todas las condiciones de sus concesiones, tendrán la obligacion de cumplir las mismas condiciones, dentro de los plazos señalados en aquellas respectivamente, pero contados ahora desde la fecha del cange de las ratificaciones de este tratado; por falta de lo cual, las mismas concesiones no serán obligatorias para el Estado de Tejas en virtud de las estipulaciones contenidas en este articulo.

La anterior estipulacion respecto de los concesionarios de tierras en Tejas, se extiende á todos los concesionarios de tierras en los indicados territorios fuera de Tejas, que hubieren tomado posesion de dichas concesiones: y por falta de cumplimiento de las condiciones de alguna de aquellas dentro del nuevo plazo que empieza á correr el dia del cange de las ratificaciones del presente tratado, segun lo es-

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The Mexican government declares that no grant whatever of lands in Texas has been made since the second day of March, one thousand eight hundred and thirty-six; and that no grant whatever of lands, in any of the territories aforesaid, has been made since the thirteenth day of May, one thousand eight hundred and forty-six.

ARTICLE XI.

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whensover this may be necessary; and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexco, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexitipulado arriba, serán las mismas concesiones nulas y de ningun valor.

El gobierno Mexicano declara que no se ha hecho ninguna concesion de tierras en Tejas desde el dia dos de Marzo de mil ochocientos treinta y seis; y que tampoco se ha hecho ninguna en los otros territorios mencionados despues del trece de mano de mil ochociéntos cuarenta y seis.

ARTICULO XI.

En atencion á que una gran parte de los territorios que por el presente tratado van á quedar para lo futuro dentro de los límites de los Estados Unidos, se halla actualmente ocupada por tríbus salvages, que han de estar en adelante bajo la exclusiva autoridad del gobierno de los Estados Unidos, y cuyas incursiones sobre los distritos Mexicanos serian en extremo perjudiciales; está solemnemente convenido que el mismo gobierno de los Estados Unidos contendrá las indicadas incursiones por medio de la fuerza siempre que así sea necesario; y cuando no pudiére prevenirlas, castigará y escarmentará á los invasores, exigiéndoles ademas la debida reparacion: todo del mismo modo, y con la misma diligencia y energia con que obraria, si las incursiones se hubiesen meditado ó ejecutado sobre territorios suyos ó contra sus propios ciudadanos.

A ningun habitante de los Estados Unidos será lícito, bajo ningun pretesto, comprar ó adquirir cautivo alguno, Mexicano ó extrangero, residente en México, apresado por los Indios habitantes en territorio de cualquiera de las dos repúblicas, ni los caballos, mulas, ganados, ó cualquiera otro género de cosas que

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can territory by such Indians; nor to provide such Indians with fire-arms or ammunition, by sale or otherwise.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of

hayan robado dentro del territorio Mexicano; ni en fin venderles ó ministrarles bajo cualquier título armas de fuego ó municiones.

Y en caso de que cualquier persona ó personas cautivadas por los Indios dentro del territorio Mexicano sean llevadas al territorio de los Estados Unidos, el gobierno de dichos Estados Unidos se compromete y liga de la manera mas solemne, en cuanto le sea posible, á rescatarlas, y á restituirlas á su pais, ó entregarlas al agente ó representante del gobierno Mexicano; haciendo todo esto, tan luego como sepa que los dichos cautivos se hallan dentro de su territorio, y empleando al efecto el leal ejercicio de su influencia y poder. Las autoridades Mexicanas darán á las de los Estados Unidos, segun sea practicable, una noticia de tales cautivos; y el agente Mexicano pagará los gastos erogados en el mantenimiento y remision de los que se rescaten, los cerales entre tanto serán tratados con la mayor hospitalidad por las autoridades Americanas del lugar en que se encuentren. Mas si el gobierno de los Estados Unidos antes de recibir aviso de México, tuviéra noticia por cualquiera otro conducto de existir en su territorio cautivos Mexicanos, procederá desde luego á verificar su rescate y entrega al agente Mexicano, segun queda convenido.

Con el objeto de dar á estas estipulaciones la mayor fuerza posible, y afianzar al mismo tiempo la seguridad y las reparaciones que exige el verdadero espiritu é intencion con que se han ajustado, el gobierno de los Estados Unidos dictará, sin inútiles delaciones, ahora y en lo de adelante, las leyes que requiera

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the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

la naturaleza del asunto, y vigilará siempre sobre su ejecucion. Finalmente, el gobierno de los mismos Estados Unidos tendrá muy presente la santidad de esta obligacion siempre que tenga que desalojar á los Indios de cualquier punto de los indicados territorios, ó que establecer en él á ciudadanos suyos; y cuidará muy especialmente de que no se ponga á los Indios que ocupaban antes aquel punto, en necesidad de buscar nuevos hogares por medio de las incursiones sobre los distritos Mexicanos, que el gobierno de los Estados Unidos se ha comprometido solemnemente á reprimir.

ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars, in the one or the other of the two modes below specified. The Mexican government shall, at the time of ratifying this treaty, declare which of these two modes of payment it prefers; and the mode so elected by it shall be be conformed to by that of the United States.

First mode of payment: Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. For the remaining twelve millions of dollars, the United States shall create a stock, bearing an interest

ARTICULO XII.

En consideracion á la estension que adquieren los límites de los Estados Unidos, segun quedan descritos en el artículo quinto del presente tratado, el gobierno de los mismos Estados Unidos se compromete á pagar al de la republica Mexicana la suma de quince millones de pesos, de una de las dos maneras que van á explicarse. El gobierno Mexicano, al tiempo de ratificar este tratado, declarará cual de las dos maneras de pago prefiere; y á la que así elija, se arreglará el gobierno de los Estados Unidos al verificar el pago.

Primera manera de pago: Inmediatamente despues que este tratado haya sido ratificado por el gobierno de la republica Mexicana, se entregará al mismo gobierno por el de los Estados Unidos en la ciudad de Mexico, y en moneda de plata ú oro del cuño Mexicano, la suma de tres millones de pesos. Por los doce millones de pesos restantes, los Estados Unidos crearán un fondo público, que gozará redito de

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of six per centum per annum, commencing on the day of the ratification of this treaty by the government of the Mexican republic, and payable annually at the city of Washington; the principal of said stock to be redeemable there, at the pleasure of the government of the United States, at any time after two years from the exchange of ratifications of this treaty; six months' public notice of the intention to redeem the same being previously given. Certificates of such stock, in proper form, for such sums as shall be specified by the Mexican government, and transferable by the said government, shall be delivered to the same by that of the United States.

Second mode of payment: Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest ac-

seis por ciento al año, el cual rédito ha de comenzar á correr el dia que se ratifique el presente tratado por el gobierno de la republica Mexicana, y se pagará anualmente en la ciudad de Washington. El capital de dicho fondo público será redemible en la misma ciudad de Washington en cualquiera época que lo disponga el gobierno de los Estados Unidos, con tal que hayan pasado dos años contados desde el cange de las ratificaciones del presente tratado, y dándose aviso al público con anticipation de seis meses. Al gobierno Mexicano se entregarán por el de los Estados Unidos los bonos correspondientes á dicho fondo, extendidos en debida forma, divididos en las cantidades que señale el expresado gobierno Mexicano, y enagenables por estate.

Segunda manera de pago: Inmediatamente despues que este tratado haya sido ratificado por el gobierno de la republica Mexicana, se entre-gará al mismo gobierno por el de los Estados Unidos, en la ciudad de Mexico, y en moneda de plata ú oro del cuño Mexicano, la suma de tres millones de pesos. Los doce millones de pesos restantes se pagarán en Mexico, en moneda de plata ú oro del cuño Mexicano, en abonos de tres millones de pesos cada año, con un rédito de seis por ciento anual: este rédito comienza á correr para toda la suma de los doce miliones el dia de la ratificacion del presente tratado por el gobierno Mexicano, y con cada abono anual de capital se pagará el rédito que corresponda á la suma abonada. Los plazos para los abonos de capital corren desde el mismo dia que empiezan á camarse los réditos. El gobierno de los Es-

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cruing on such instalment from the beginning shall also be paid. Certificates in proper form, for the said instalments, respectively, in such sums as shall be desired by the Mexican government, and transferable by it, shall be delivered to the said government by that of the United States.

ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three: so that the Mexican republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

ARTICLE XIV.

The United States do furthermore discharge the Mexican republic from all claims of citizens of the United States, not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

tados Unidos entregará al de la republica Mexicana pagarés extendidos en debida forma, correspondientes á cada abono anual, divididos en las cantidades que señale el dicho gobierno Mexicano, y enagenables por este.

ARTICULO XIII.

Se obliga ademas el gobierno de los Estados Unidos á tomar sobre sí, y satisfacer cumplidamente á los reclamantes, todas las cantidades que hasta aquí se les deben y cuantas se venzan en adelante por razon de las reclamaciones ya liquidadas y sentenciadas contra la república Mexicana conforme á los convenios ajustados entre ambas republicas el once de Abril de mil ochocientos treinta y nueve, y el treinta de Enero de mil ochocientos cuarenta y tres; de manera que la república Mexicana nada absolutamente tendrá que lastar en lo venidero, por razon de los indicados reclamos.

ARTICULO XIV.

Tambien exoneran los Estados Unidos á la república Mexicana de todas las reclamaciones de ciudadanos de los Estados Unidos no decididas aun contra el gobierno Mexicano, y que puedan haberse originado antes de la fecha de la prima del presente tratado: esta exoneracion es definitiva y perpetua, bien sea que las dichas reclamaciones se admitan, bien sea que se desechen por el tribunal de comisarios de que habla el articulo siguiente, y cualquiera que pueda ser el monto total de las que queden admitidas.

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ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive: provided, that in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents in the possession or power of the government of the Mexican republic, shall be deemed necessary to the just decision of any claim, the commissioners or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest pos-

ARTICULO XV.

Los Estados Unidos, exonerando á Mexico de toda responsabilidad por las reclamaciones de sus ciudadanos mencionadas en el artículo precedente, y considerandolas completamente canceladas para siempre, sea cual fuére su monto, toman á su cargo satisfacerlas hasta una cantidad que no exceda de tres millones doscientos cincuenta mil pesos. Para fijar el monto y validez de estas reclamaciones, se establecerá por el gobierno de los Estados Unidos un tribunal de comisarios, cuyos fallos serán definitivos y concluyentes, con tal que al decidir sobre la validez de dichas reclamaciones, el tribunal se haya guiado y gobernado por los principios y reglas de decision establecidos en los artículos primero y quinto de la convencion, no ratificada, que se ajustó en la ciudad de México el veinte de Noviembre de mil ochocientos cuarenta y tres: y en ningun caso se dará fallo en favor de ninguna reclamacion que no esté comprendida en las reglas y principios indicados.

Si en juicio del dicho tribunal de comisarios, ó en el de los reclamantes se necesitáre para la justa decision de cualquier reclamacion algunos libros, papeles de archivo ó documentos que posea el gobierno Mexicano, ó que estén en su poder; los comisarios, ó los reclamantes por conducto de ellos, los pedirán por escrito (dentro del plazo que designe el Congreso) dirigiéndose al Ministro Mexicano de Relaciones Exteriores, á quien transmitirá las peticiones de esta clase el Secretario de Estado en los Estados Unidos: y el gobierno Mexicano se compromete á en-

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sible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners: *Provided*, That no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

tregar á la mayor brevedad posible, despues de recibida cada demanda, los libros, papeles de archivo ó documentos, así especificados, que posea ó estén en su poder, ó copias ó extractos auténticos de los mismos, con el objeto de que sean transmitidos al Secretario de Estado, qui en los pasará inmediatamente al expresado tribunal de comisarios. Y no se hará peticion alguna de los enunciados libros, papeles ó documentos, por ó á instancia de ningun reclamante, sin que antes se haya aseverado bajo juramento ó con afirmacion solemne la verdad he los hechos que con ellos se pretende probar.

Article XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify, for its security.

Articulo XVI.

Cada una de las dos repúblicas se reserva la completa facultad de fortificar todos los puntos que para su seguridad estime convenientes en su propio territorio.

Article XVII.

The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one

Articulo XVII.

El tratado de amistad, comercio y navegacion, concluido en la ciudad de Mexico el cinco de Abril; del año del Señor 1831, entre la república Mexicana y los Estados Unidos de América, esceptuandose el artículo adicional y cuanto pueda haber en sus estipulaciones incompatible con alguna de las contenidas en el presente tratado, queda restablecido por el periodo de ocho años desde el dia del cange de las ratificaciones del mismo presente tratado, con igual fuerza y valor que si estuviese inserto en él; debiendo entenderse que cada una de las partes contratantes se reserva el derecho de poner término al dicho tratado de comercio y navegacion en cualquier tiempo luego que haya expirado

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year's notice of such intention to the other party.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto: and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

With respect to all merchan-

el periodo de los ocho años, comunicando su intencion á la otra parte con un año de anticipacion.

ARTICULO XVIII.

No se exigirán derechos in gravamen de ninguna clase á los articulos todos que lleguen para las tropas de los Estados Unidos á los puertos Mexicanos ócupados por ellas, antes de la evacuation final de los mismos puertos, y despues de la devolucion á Mexico de las aduanas situadas en ellos. El gobierno de los Estados Unidos se compromete á la vez, y sobre esto empeña su fe, á establecer y mantener con vigilancia cuantos guardas sean posibles para asegurar las rentas de México, precaviendo la importacion, á la sombra de esta estipulacion, de cualesquiera articulos que realmente no sean necesarios, ó que excedan en cantidad en los que se necesiten para el uso y consumo de las fuerzas de los Estados Unidos mientras ellas permanescan en México. A este efecto, todos los oficiales y agentes de los Estados Unidos tendran obligacion de denunciar á las autoridades Mexicanas en los mismos puertos, cualquier conato de fraudulento abuso de esta estipulacion que pudiéren conocer ó tuvieren motivo de sospecher; asi como de impartir á las mismas autoridades todo el auxilio que pudiéren con este objeto: y cualquier conato de esa clase, que fuére legalmente probado, y declarado por sentencia de tribunal competente, sera castigado con el comiso de la cosa que se haya intentado introducir fraudulentamente.

ARTICULO XIX.

Respecto de los efectos, mer-

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dise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, or upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of

cancias y propiedades importados en los puertos Mexicanos durante el tiempo que han estado ocupados por las fuerzas de los Estados Unidos, sea por ciudadanos de cualquiera de las dos repúblicas, sea por ciudadanos ó subditos de alguna nacion neutral, se observarán las reglas siguientes:

1. Los dichos efectos, mercancias y propiedades siempre que se hayan importado antes de la devolucion de las aduanas á las autoridades Mexicanas conforme á lo estipulado en el articulo tercero de este tratado, quedarán libres de la pena de comiso, aun cuando sean de los prohibidos en el arancél Mexicano.

2. La misma exencion gozarán los efectos, mercancias y propiedades que lleguen á los puertos Mexicanos, despues de la devolucion á Mexico de las aduanas maritimas, y antes de que expiren los sesenta dias que van á fijarse en el artículo siguiente para que empieze á regir el arancél Mexicano en los puertos; debiendo al tiempo de su importacion sujetarse los tales efectos, mercancias y propiedades, en cuanto al pago de derechos, á lo que en el indicado siguiente artículo se establece.

3. Los efectos, mercancias y propiedades designados en las dos reglas anteriores quedarán exentos de todo derecho, alcabála ó impuesto, sea bajo el titulo de internacion, sea bajo cualquiera otro, mientras permanescan en los puntos donde se hayan importado, y á su salida para el interior; y en los mismos puntos no podrá jamás exigirse impuesto alguno sobre su venta.

4. Los efectos, mercancias, y propiedades, designados en las reglas primera y segunda que

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the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property described in the first and second rules, and existing in any port of Mexico, shall have the right to re-ship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or State, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ARTICLE XX.

Through consideration for the interests of commerce generally,

hayan sido internados á cualquier lugar ocupado por fuerzas de los Estados Unidos, quedarán exentos de todo derecho sobre su venta ó consumo, y de todo impuesto ó contribucion bajo cualquier título ó denominacion, mientras permanescan en el mismo lugar.

5. Mas si algunos efectos, mercancias, ó propiedades de los designados en las reglas primera y segunda se trasladaren á algun lugar no ocupado a la savon por las fuerzas de los Estados Unidos; al introducirse á tal lugar, ó al venderse ó consumirse en él, quedarán sujetos á los mismos derechos que bajo las leyes Mexicanas deberian pagar en tales cosos si se hubiéran importado en tiempo de paz por las aduanas marítimas, y hubiesen pagado en ellas los derechos que establece el arancél Mexicano.

6. Los dueños de efectos, mercancias, y propiedades designados en las reglas primera y segunda, y existentes en algun puerto de Mexico, tienen derecho de reembarcarlos, sin que pueda exigirseles ninguna clase de impuesto, alcabala ó contribucion.

Respecto de los metales y de toda otra propiedad exportados por cualquier puerto Mexicano durante su ocupacion por las fuerzas Americanas, y antes de la devolucion de su aduana al gobierno Mexicano, no se exigirá a ninguna persona por las autoridades de Mexico, ya dependan del gobierno general, ya de algun estado que pague ningun impuesto, alcabala ó derecho por la indicada exportacion, ni sobre ella podra exigirsele por las dichas autoridades cuenta alguna.

ARTICULO XX.

Por consideracion á los intereses del comercio detoda s las

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it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry, and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

naciones, queda convenido que si pasaren menos de sesenta dias desde la fecha de la firma de este tratado hasta que se haga la devolucion de las aduanas marítimas, segun lo estipulado en el artículo tercero; todos los efectos, mercancias, y propiedades que lleguen á los puertos Mexicanos desde el dia en que se verifique la devolucion de las dichas aduanas hasta que se completen sesenta dias contados desde la fecha de la firma del presente tratado, se admitirán no pagando otros derechos que los establecidos en la tarifa que esté vigente en las expresadas aduanas al tiempo de su devolucion, y se extenderán á dichos efectos, mercancias, y propiedades las mismas reglas establecidas en el artículo anterior.

Article XXI.

If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the

Articulo XXI.

Si desgraciadamente en el tiempo futuro se suscitáre algun punto de desacuerdo entre los gobiernos de las dos repúblicas, bien sea sobre la inteligencia de alguna estipulacion de este tratado, bien sobre cualquiera otra materia de las relaciones politicas ó comerciales de las dos naciones, los mismos gobiernos, á nombre de ellas, se comprometen á procurar de la manera mas sincera y empeñosa a llanar las diferencias que se presenten y conservar el estado de paz y amistad en que ahora se ponen los dos paises, usando al efecto de representaciones mútuas y de negociaciones pacificas. Y si por estos medios no se lograre todavia ponerse de acuerdo, no por eso se apelará á represalia, agresion ni hostilidad de ningun género de una republica contra otra, hasta que el gobierno de la que se crea agraviada haya considerado ma-

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one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

duramente y en espiritu de paz y buena vecindad, si no seria mejor que la diferencia se terminara por un arbitramento de comisarios nombrados por ambas partes, ó de una nacion amiga. Y si tal medio fuére propuesto por cualquiera de las dos partes, la otra accederá á él, á no ser que lo juzgue absolutamente incompatible con la naturaleza y circunstancias del caso.

ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war shall unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible.

1. The merchants of either republic then residing in the other shall be allowed to remain twelve months for those dwelling in the interior, and six months for those dwelling at the seaports, to collect their debts and settle their affairs; during which periods, they shall enjoy the same protection, and be on the same protection, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molesta-

ARTICULO XXII.

Si (lo que no es de esperarse, y Dios no permita) desgraciadamente se suscitáre guerra entre las dos republicas, estas para el caso de tal calamidad se comprometen ahora solemnemente, ante si mismas y ante el mundo, á observar las reglas siguientes de una manera absoluta si la naturaleza del objeto á que se contraen lo permite; y tan extrictamente como sea dable en todos los casos en que la absoluta observancia de ellas fuére imposible:

1. Los comerciantes de cada una de las dos repúblicas que á la sazon residan en territorio de la otra, podrán permanecer doce meses los que residan en el interior, y seis meses los que residan en los puertos, para recoger sus deudas y arreglar sus negocios; durante estos plazos disputarán la misma proteccion y estarán sobre el mismo pié en todos respectos que los ciudadanos ó subditos de las naciones mas amigas; y al expirar el término, ó antes de él, tendrán completa libertad para salir y llevar todos sus efectos sin molestia ó embarazo, su-

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tion or hindrance: conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments, for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or

jetándose en ests particular á las mismas leyes á que estén sujetos, y deban arreglarse los ciudadanos ó subditos de las naciones mas amigas. Cuando los ejércitos de una de las dos naciones entren en territorios de la otra, las mujeres y niños, los eclesiasticos, los estudiantes de cualquier facultad, los labradores, comerciantes, artesanos, manufactureros, y pescadores que estén desarmados y residan en ciudades, pueblos ó lugares no fortificados, y en general todas las personas cuya ocupacion sirva para la comun subsistencia y beneficio del género humano, podrán continuar en sus ejercicios, sin que sus personas sean molestadas. No serán incendiadas sus casas ó bienes, ó destruidos de otra manera; ni serán tomados sus ganados, ni devastados sus campos por la fuerza armada en cuyo poder puedan venir á caer por los acontecimientos de la guerra; pero si hubiére necesidad de tomarlos alguna cosa para el uso de la misma fuerza armada, se les pagará lo tomado á un precio justo. Todas las iglesias, hospitales, escuelas, colegios, librerias, y demas establecimientos de caridad y beneficencia serán respetados; y todas las personas que dependan de los mismos serán protegidas en el de sempeño de sus deberes y en la continuacion de sus profesiones.

2. Para aliviar la suerte de los prisioneros de guerra se evitarán cuidadosamente, las prácticas de enviarlos á distritos distantes, inclementes ó malsanos, ó de aglomerarlos en lugares estrechos y enfirmizos. No se confinarán en calabosos, prisones, ni pontones; no se les aherrojará, ni se les atará, ni se les impedirá de ningun otro modo el uso de sus

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otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if an officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service: the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against

miembros. Los oficiales que darán en libertad bajo su palabra de honor, dentro de distritos convenientes y tendrán alojamientos comodos; y los soldados rasos se colocarán en acantonamientos bastante despejados y extensos para la ventilacion y el ejercicio, y se alojarán en cuarteles tan ámplios y comodos como los que use para sus propias tropas la parte que los tenga en su poder. Pero si algun oficial faltaréa su palabra, saliendo del distrito que se le ha séñalado; ó algun otro prisonero se fugáre de los limites de su acantonamiento despues que estos se les hayan fijado, tal oficial ó prisionero perderá el beneficio del presente artículo por lo que niera á su libertad bajo su palabra ó en acantonamiento; y si algun oficial faltando asi á su palabra, ó algun soldado raso saliendo de los limites que se le han asignado, fuéra encontrado despues con las armas en la mano antes de ser debidamente cangeado, tal persona en esta actitud ofensiva será tratada conforme á las leyes comunes de la guerra. A los oficiales se proveerá diariamente por la parte en cuyo poder estén, de tantas raciones compuestas de los mismos artículos como las que gozan en especie ó en equivalente los oficiales de la misma graduacion en su propio ejército: á todos los demas prisioneros se proveerá diariamente de una racion semejante á la que se ministra al soldado raso en su propio servicio: el valor de todas estas suministraciones se pegará por la otra parte el concluirse la guerra, ó en los periodos que se convengan entre sus respectivos comandantes, precediendo una mutua liquidacion de las cuentas que se lleven del mantenimiento

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any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the others; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

de prisioneros: tales cuentas no se mezclarán ni compensarán con otras; ni el saldo que resulte de ellas, se reusará bajo pretesto de compensacion ó represalia por cualquiera causa, real ó figurado. Cada una de las partes podrá mantener un comisario de prisioneros nombrado por ella misma en cada acantonamiento de los prisioneros que esten en poder de la otra parte: este comisario visitará á los prisioneros siempre que quiera; tendrá facultad de recibir, libres de todo derecho ó impuesto, y de distribuir todos los auxilios que puedan enviarles sus amigos, y libremente transmitir sus partes en cartas abiertas á la autoridad por la cual esta empleado.

Y se declara que ni el pretesto de que la guerra destruye los tratados, ni otro alguna, sea el que fuére, se considerará que anula ó suspende el pacto solemne contenido en este articulo. Por el contrario, el estado de guerra es cabalmente el que se ha tenido presente al ajustarlo, y durante el cual sus estipulaciones se han de observar tan santamente como las obligaciones mas reconocidas de la ley natural ó de gentes.

Article XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican republic, with the previous approbation of its general Congress: and the ratifications shall be exchanged in the city of Washington, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the re-

Articulo XXIII.

Este tratado será ratificado por el Presidente de la república Mexicana, previa la aprobacion de su Congreso General; y por el Presidente de los Estados Unidos de America con el consejo y consentimiento del Senado; y las ratificaciones se cangearán en la ciudad de Washington á los cuatro meses de la fecha de la firma del mismo tratado, ó antes si fuere posible.

En fé de lo cual, nosotros los

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spective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

respectivos plenipotenciarios hemos firmado y sellado por quintuplicado este tratado de paz, amistad, límites, y arreglo definitivo, en la ciudad de Guadalupe Hidalgo, el dia dos de Febrero del año de nuestro Señor mil ochocientos cuarento y ocho.

N. P. TRIST,	[L. S.]	BERNARDO CONTO,	[L. S.]
LUIS G. CUEVAS,	[L. S.]	MIG. ATRISTAIN,	[L. S.]
BERNARDO CONTO,	[L. S.]	LUIS G. CUEVAS,	[L. S.]
MIG. ATRISTAIN,	[L. S.]	N. P. TRIST,	[L. S.]

Additional and secret article of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, signed this day by their respective plenipotentiaries.

Artículo adicional y secreto del tratado de paz, amistad, límites y arreglo definitivo entre la republica Mexicana y los Estados Unidos de America, firmado hoy por sus respectivos plenipotenciarios.

In view of the possibility that the exchange of the ratifications of this treaty may, by the circumstances in which the Mexican republic is placed, be delayed longer than the term of four months fixed by its twenty-third article for the exchange of ratifications of the same, it is hereby agreed that such delay shall not, in any manner, affect the force and validity of this treaty, unless it should exceed the term of eight months, counted from the date of the signature thereof.

This article is to have the same force and virtue as if inserted in the treaty to which this is an addition.

In faith whereof, we, the respective plenipotentiaries, have signed this additional and secret article, and have hereunto affixed our seals, respectively. Done in quintuplicate at the city of Gua-

En atencion á la posibilidad de que el cange de las ratificaciones de este tratado se demore mas del término de cuatro meses fijados en su artículo veinte y tres; por las circunstancias en que se encuentra la república Mexicana, queda convenido que tal demora no afectará de ningun modo la fuerza y validez del mismo tratado, si no excediére de ocho meses contados desde la fecha de su firma.

Este artículo tendrá la misma fuerza y valor que si estuviese inserto en el tratado de que es parte adicional.

En fé de lo cual, nosotros los respectivos plenipotenciarios hemos firmado y sellado este artículo adicional y secreto. Hécho por quintuplicado en la ciudad de Guadalupe Hidalgo, el dia dos Febrero del año de nuestro

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dalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

Señor mil ochocientos cuarenta y ocho.

N. P. TRIST,	[L. S.]	BERNARDO CONTO,	[L. S.]
LUIS G. CUEVAS,	[L. S.]	MIG. ATRISTAIN,	[L. S.]
BERNARDO CONTO,	[L. S.]	LUIS G. CUEVAS,	[L. S.]
MIG. ATRISTAIN,	[L. S.]	N. P. TRIST,	[L. S.]

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IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
June 21, 1848.

Resolved, That the injunction of secrecy be removed from the first and fifth articles of the unratified convention for the settlement of claims of the citizens and government of the Mexican republic against the government of the United States, and of the citizens and government of the United States against the government of the Mexican republic, concluded at the city of Mexico the 20th of November, 1843, as proposed to be ratified by the Senate of the United States, which unratified convention is referred to, and the first and fifth articles thereof made a part of the fifteenth article of the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, 1848.

"ARTICLE I.

"All claims of citizens of the Mexican republic against the government of the United States, which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the government of the Mexican republic, which, for whatever cause, were not submitted to, nor considered, nor finally decided by the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner; that is to say: Two commissioners shall be appointed by the President of the Mexican republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics."

"ARTICLE V.

"All claims of citizens of the United States against the government of the Mexican republic which were considered by the commissioners and referred to the umpire appointed under the convention of the 11th April, 1839, and which were not decided by him, shall be referred to and decided by the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims."

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30th Congress, 1st Session. } Ex. [CONFIDENTIAL.]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A treaty of peace, friendship, limits, and settlement, between the United States of America and the Mexican republic, concluded at Guadalupe Hidalgo, on the 2d day of February, in the year 1848.

FEBRUARY 23, 1848.

Read, and, with the treaty and documents, referred to the Committee on Foreign Relations, and ordered to be printed in confidence for the use of the Senate.

To the Senate of the United States:

I lay before the Senate, for their consideration and advice as to its ratification, a treaty of peace, friendship, limits, and settlement, signed at the city of Guadalupe Hidalgo, on the 2d day of February, 1848, by N. P. Trist on the part of the United States, and by plenipotentiaries appointed for that purpose on the part of the Mexican government.

I deem it to be my duty to state, that the recall of Mr. Trist as commissioner of the United States, of which Congress was informed in my annual message, was dictated by a belief that his continued presence with the army could be productive of no good, but might do much harm, by encouraging the delusive hopes and false impressions of the Mexicans, and that his recall would satisfy Mexico that the United States had no terms of peace more favorable to offer. Directions were given that any propositions for peace which Mexico might make should be received and transmitted by the commanding general of our forces to the United States.

It was not expected that Mr. Trist would remain in Mexico, or continue in the exercise of the functions of the office of commissioner after he received his letter of recall. He has, however, done so, and the plenipotentiaries of the government of Mexico, with a knowledge of the fact, have concluded with him this treaty. I have examined it with a full sense of the extraneous circumstances attending its conclusion and signature, which might be objected to; but, conforming, as it does substantially on the main questions of boundary and indemnity, to the terms which our commissioner, when he left the United States in April last, was authorized to offer, and animated, as I am, by the spirit which has governed all my

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official conduct towards Mexico, I have felt it to be my duty to submit it to the Senate for their consideration, with a view to its ratification.

To the tenth article of the treaty there are serious objections, and no instructions given to Mr. Trist contemplated or authorized its insertion. The public lands within the limits of Texas belong to that State, and this government has no power to dispose of them, or to change the conditions of grants already made. All valid titles to land within the other territories ceded to the United States will remain unaffected by the change of sovereignty; and I therefore submit that this article should not be ratified as a part of the treaty.

There may be reason to apprehend that the ratification of the "additional and secret article" might unreasonably delay and embarrass the final action on the treaty by Mexico. I therefore submit whether that article should not be rejected by the Senate.

If the treaty shall be ratified as proposed to be amended, the cessions of territory made by it to the United States as indemnity, the provision for the satisfaction of the claims of our injured citizens, and the permanent establishment of the boundary of one of the States of the Union, are objects gained of great national importance; while the magnanimous forbearance exhibited towards Mexico, it is hoped, may insure a lasting peace and good neighborhood between the two countries.

I communicate herewith a copy of the instructions given to *Mr. Slidell* in November, 1845, as envoy extraordinary and minister plenipotentiary to Mexico; a copy of the instructions given to *Mr. Trist* in April last; and such of the correspondence of the latter with the Department of State, not heretofore communicated to Congress, as will enable the Senate to understand the action which has been had with a view to the adjustment of our difficulties with Mexico.

JAMES K. POLK.

WASHINGTON, *February* 22, 1848.

LIST.

Mr. Buchanan to Mr. Slidell, November 10, 1845.
Mr. Buchanan to Mr. Trist, April 15, 1847.
Mr. Trist to Mr. Buchanan, (extract,) June 3, 1847.
Mr. Buchanan to Mr. Trist, (extract,) June 14, 1847.
The same to the same, (extract,) July 13, 1847.
The same to the same, (extract,) July 19, 1847.
The same to the same, October 6, 1847.
The same to the same, October 25, 1847.
Mr. de la Rosa to Mr. Trist, (translation,) October 31, 1847.
Mr. Trist to Mr. Buchanan, November 27, 1847.
Mr. Trist to a confidential friend at Queretaro, December 4, 1847.

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Mr. Buchanan to Mr. Slidell.

[No. 1.] DEPARTMENT OF STATE,
Washington, November 10, 1845.

SIR: I transmit herewith copies of a despatch addressed by me, under date the 17th September, 1845, to John Black, esq., consul of the United States at the city of Mexico; of a note written by the consul to the Mexican minister for foreign affairs, dated October 13, 1845; and of the answer of that minister, under date October 15, 1845.

From these papers, you will perceive that the Mexican government have accepted the overture of the President for settling all the questions in dispute between the two republics by negotiation; and that, consequently, the contingency has occurred in which your acceptance of the trust tendered to you by the President is to take effect. You will therefore repair without delay to your post, and present yourself to the Mexican government as the envoy extraordinary and minister plenipotentiary of the United States.

In the present crisis of the relations between the two countries, the office for which you have been selected is one of vast importance. To counteract the influence of foreign powers exerted against the United States in Mexico, and to restore those ancient relations of peace and good will which formerly existed between the governments and the citizens of the sister republics, will be principal objects of your mission. The wretched condition of the internal affairs of Mexico, and the misunderstanding which exists between her government and the ministers of France and England, seem to render the present a propitious moment for the accomplishment of these objects. From your perfect knowledge of the language of the country, your well-known firmness and ability, and your taste and talent for society, the President hopes that you will accomplish much in your intercourse with the Mexican authorities and people. The early and decided stand which the people of the United States and their government took and maintained in favor of the independence of the Spanish American republics on this continent, secured their gratitude and good will. Unfortunate events have since estranged from us the sympathies of the Mexican people. They ought to feel assured that their prosperity is our prosperity; and that we cannot but have the strongest desire to see them elevated, under a free, stable, and republican government, to a high rank among the nations of the earth.

The nations on the continent of America have interests peculiar to themselves. Their free forms of government are altogther different from the monarchical institutions of Europe. The interests and the independence of these sister nations require that they should establish and maintain an American system of policy for their own protection and security, entirely distinct from that which has so long prevailed in Europe. To tolerate any interference on the part of European sovereigns with controversies in America—to permit them to apply the worn-out dogma of the balance of power

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to the free States on this continent—and, above all, to suffer them to establish new colonies of their own, intermingled with our free republics, would be to make to the same extent a voluntary sacrifice of our independence. These truths ought everywhere throughout the continent of America to be impressed on the public mind. If, therefore, in the course of your negotiations with Mexico, that government should propose the mediation or guarantee of any European power, you are to reject the proposition without hesitation. The United States will never afford, by their conduct, the slightest pretext for any interference from that quarter in American concerns. Separated as we are from the Old world by a vast ocean, and still further removed from it by the nature of our political institutions, the march of free government on this continent must not be trammelled by the intrigues and selfish interests of European powers. Liberty here must be allowed to work out its natural results; and these will ere long astonish the world.

Neither is it for the interest of those powers to plant colonies on this continent. No settlements of the kind can exist long. The expansive energy of free institutions must soon spread over them. The colonists themselves will break from the mother country, to become free and independent States. Any European nation which should plant a new colony on this continent would thereby sow the seeds of troubles and of wars, the injury from which, even to her own interests, would far outweigh all the advantages which she could possibly promise herself from any such establishment.

The first subject which will demand your attention is the claims of our citizens on Mexico. It would be useless here to trace the history of these claims, and the outrages from which they spring. The archives of your legation will furnish all the necessary information on this subject. The history of no civilized nation presents, in so short a period of time, so many wanton attacks upon the rights of persons and property as have been endured by citizens of the United States from the Mexican authorities. These never would have been tolerated by the United States from any nation on the face of the earth, except a neighboring and sister republic.

President Jackson, in his message to the Senate of the 7th February, 1837, uses the following language, with great justice and truth: "The length of time since some of the injuries have been committed; the repeated and unavailing applications for redress; the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war."

Still, he was unwilling to resort to this last extremity, without "giving to Mexico one more opportunity to atone for the past before we take redress into our own hands." Accordingly, he recommended "that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican government to come to an amicable adjustment of the matters in

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controversy between us, upon another demand thereof made from on board one of our vessels of war on the coast of Mexico."

This message was referred to the Committee on Foreign Relations, which, on the 19th February, 1837, made a report to the Senate entirely in accordance with the message of the President in regard to the outrages and wrongs committed by Mexico on citizens of the United States. They recommended, however, that another demand should be made for redress upon the Mexican government, in pursuance of the form required by the 34th article of our treaty with Mexico, and the result submitted to Congress for their decision before actual hostilities should be authorized. The committee say: "After such a demand, should prompt justice be refused by the Mexican government, we may appeal to all nations not only for the equity and moderation with which we have acted towards a sister republic, but for the necessity which will then compel us to seek redress for our wrongs, by actual war or by reprisals. The subject will then be presented before Congress at the commencement of the next session, in a clear and distinct form, and the committee cannot doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country, and insure ample reparation to our injured fellow-citizens."

The resolution with which this report concludes, was, on the 27th February, adopted by the unanimous vote of the Senate. The report of the Committee on Foreign Affairs made to the House of Representatives on the 24th February, 1837, breathes the same spirit with that of the Senate.

In pursuance of the suggestion of the Committee on Foreign Relations of the Senate, a special messenger was sent to Mexico to make a final demand for redress, with the documents required by the 34th article of the treaty. This demand was made on the 20th July, 1837. The answer to it contained fair promises. How these were evaded from time to time, you will learn by an examination of the archives of your legation.

Finally, on the 11th April, 1839, a convention was concluded "for the adjustment of claims of citizens of the United States of America upon the government of the Mexican republic."

The board of commissioners was not organized under this convention until the 25th August, 1840; and, under its terms, they were obliged to terminate their duties within eighteen months from that date. Four of these eighteen months were spent in preliminary discussions, which had arisen on objections raised by the Mexican commissioners; and, at one time, there was great danger that the board would separate without hearing or deciding a single case. It was not until the 24th December, 1840, that they commenced the examination of the claims of our citizens. Fourteen months only were left to examine and decide upon these numerous and complicated cases.

The claims allowed by the commissioners, without reference to the umpire, amounted, principal and interest, to..... $139,393 82

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The amount, principal and interest, subsequently awarded by the umpire, was 1,586,745 86

2,026,139 68

The Mexican government finding it inconvenient to pay the amount awarded, either in money or in an issue of treasury notes, according to the terms of the convention, a new convention was concluded between the two governments on the 30th January, 1843, to relieve that of Mexico from this embarrassment. Under its terms, the interest due on the whole amount awarded was to be paid on the 30th April, 1843; and the principal, with the accruing interest, was made payable in five years, in equal instalments every three months.

Under this new agreement, made to favor Mexico, the claimants have yet received only the interest up to the 30th April, 1843, and three of the twenty instalments.

But this is not all. There were pending before the umpire, when the commission expired, claims which had been examined and awarded by the American commissioners, amounting to $928,627 88. Upon these he refused to decide, alleging that his authority had expired.

This was a strange construction of the treaty. Had he decided that his duties did not commence until those of the commissioners had ended, this would have been a more natural interpretation.

To obviate this injustice, and to provide for the decision of other claims of American citizens, amounting to $3,336,837 05, which had been submitted too late to be considered by the board, a third convention was signed at Mexico on the 20th November, 1843, by Mr. Waddy Thompson on the part of the United States, and Messrs. Bocanegra and Trigueras on the part of Mexico. On the 30th January, 1844, this convention was ratified by the Senate of the United States, with two amendments. The one changed the place of meeting of the commissioners from Mexico to Washington; and the other struck out the 16th article, which referred the claims of a pecuniary nature, that the two governments might have against each other, to the commissioners, with an appeal to the umpire in case a majority of them could not agree.

These amendments were manifestly reasonable and necessary. To have compelled the claimants, all of whom are citizens of the United States, to go to Mexico with their documents and testimony, would, in a great degree, have frustrated the object of the commission. Besides, the new commission was, in fact, but a continuance of the old one; and its duties simply were, to complete the business which had been left unfinished in the city of Washington.

It was something new in the history of sovereign nations to refer their mutual claims to the arbitrament of a board composed of their own citizens, with an appeal to a subject appointed by a foreign sovereign. The dignity of sovereign States forbade such a proceeding. Besides, it never had been suggested that either of the two

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governments had claims upon the other, or that there were any claims in existence except those of American citizens on Mexico.

It is difficult to conceive why this convention, departing from that of the 11th April, 1839, should have embraced any such provision; or why it should have stipulated for claims of citizens of Mexico against the United States, when no such claims had ever been alleged to exist.

Upon a reference of these amendments to the government of Mexico, it interposed the same evasions, difficulties, and delays, which have always characterized its policy towards the United States. It has never yet decided whether it would or would not accede to them, although the subject has repeatedly been pressed upon its consideration by our ministers.

The result of the whole is, that the injuries and outrages committed by the authorities of Mexico on American citizens, which, in the opinion of President Jackson, would, so long ago as February, 1837, have justified a resort to war or reprisals for redress, yet remain wholly unredressed, excepting only the comparatively small amount received under the convention of April, 1839.

It will be your duty, in a prudent and friendly spirit, to impress the Mexican government with a sense of their great injustice towards the United States, as well as of the patient forbearance which has been exercised by us. This cannot be expected to endure much longer, and these claims must now speedily be adjusted in a satisfactory manner. Already have the government of the United States too long omitted to obtain redress for their injured citizens.

But in what manner can this duty be performed consistently with the amicable spirit of your mission? The fact is but too well known to the world, that the Mexican government are not now in a condition to satisfy these claims by the payment of money. Unless the debt should be assumed by the government of the United States, the claimants cannot receive what is justly their due. Fortunately, the joint resolution of Congress, approved 1st March, 1845, "for annexing Texas to the United States," presents the means of satisfying these claims, in perfect consistency with the interests, as well as the honor, of both republics. It has reserved to this government the adjustment "of all questions of boundary that may arise with other governments." This question of boundary may, therefore, be adjusted in such a manner between the two republics as to cast the burden of the debt due to American claimants upon their own government, whilst it will do no injury to Mexico.

In order to arrive at a just conclusion upon this subject, it is necessary briefly to state what, at present, are the territorial rights of the parties.

The Congress of Texas, by the act of December 19, 1836, have declared the Rio del Norte, from its mouth to its source, to be a boundary of that republic.

In regard to the right of Texas to the boundary of the del Norte, from its mouth to the Paso, there cannot, it is apprehended, be any very serious doubt. It would be easy to establish, by the authority of our most eminent statesmen—at a time, too, when the ques-

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tion of the boundary of the province of Louisiana was better understood than it is at present—that, to this extent, at least, the del Norte was its western limit. Messrs. Monroe and Pinckney, in their communications of January 28, 1805, to Don Pedro Cevallos, then the Spanish minister of foreign relations, assert, in the strongest terms, that the boundaries of that province "are the River Perdido to the east, and the Rio Bravo to the west." They say, "the facts and principles which justify this conclusion are so satisfactory to our government, as to convince it that the United States have not a better right to the island of New Orleans under the cession referred to, (that of Louisiana,) than they have to the whole district of territory which is above described." Mr. Jefferson was at that time President, and Mr. Madison Secretary of State; you well know how to appreciate their authority. In the subsequent negotiation with Mr. Cevallos, Messrs. Monroe and Pinckney conclusively vindicated the right of the United States as far west as the del Norte. Down to the very conclusion of the Florida treaty, the United States asserted their right to this extent—not by words only, but by deeds. In 1818, this government having learned that a number of adventurers, chiefly Frenchmen, had landed at Galveston, with the avowed purpose of forming a settlement in that vicinity, despatched George Graham, esq., with instructions to warn them to desist. The following is an extract from these instructions, dated 2d June, 1818: "The President wishes you to proceed with all convenient speed to that place, (Galveston,) unless, as is not improbable, you should, in the progress of the journey, learn that they have abandoned or been driven from it. Should they have removed to Matagorda, or any other place north of the Rio Bravo and within the territory claimed by the United States, you will repair thither, without, however, exposing yourself to be captured by any Spanish military force. When arrived, you will, in a suitable manner, make known to the chief or leader of the expedition your authority from the government of the United States; and express the surprise with which the President has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful settlement can be made without their sanction. You will call upon him explicitly to avow under what national authority they profess to act, and take care that due warning be given to the whole body that the place is within the United States, who will suffer no permanent settlement to be made there under any authority other than their own."

It cannot be denied, however, that the Florida treaty of 22d February, 1819, ceded to Spain all that part of ancient Louisiana within the present limits of Texas; and the more important inquiry now is, what is the extent of the territorial rights which Texas has acquired by the sword in a righteous resistance to Mexico. In your negotiations with Mexico, the independence of Texas must be considered a settled fact, and is not to be called in question.

Texas achieved her independence on the plain of San Jacinto, in April, 1836, by one of the most decisive and memorable victories recorded in history. She then convinced the world, by her courage

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and her conduct, that she deserved to rank as an independent nation. To use the lanuguage of Mr. Webster, Secretary of State, in a despatch to our minister at Mexico, dated 8th July, 1842: "From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent; acknowledged as a political sovereignty by the principal powers of the world; no hostile foot finding rest within her territory for six or seven years; and Mexico herself refraining, for all that perio l, from any further attempt to re-establish her own authority over that territory," &c. &c.

Finally, on the 29th March, 1845, Mexico consented, in the most solemn form, through the intervention of the British and French governments, to acknowledge the independence of Texas, provided she would stipulate not to annex herself or become subject to any country whatever.

It may, however, be contended, on the part of Mexico, that the Nueces, and not the Rio del Norte, is the true western boundary of Texas. I need not furnish you arguments to controvert this position. You have been perfectly familiar with the subject from the beginning, and know that the jurisdiction of Texas has been extended beyond that river, and that representatives from the country between it and the del Norte have participated in the deliberations both of her congress and her convention. Besides, this portion of the territory was embraced within the limits of ancient Louisiana.

The case is different in regard to New Mexico. Santa Fé, its capital, was settled by the Spaniards more than two centuries ago; and that province has been ever since in their possession and that of the republic of Mexico. The Texans never have conquered or taken possession of it, nor have its people ever been represented in any of their legislative assemblies or conventions.

The long and narrow valley of New Mexico, or Santa Fé, is situated on both banks of the upper del Norte, and is bounded on both sides by mountains. It is many hundred miles remote from other settled portions of Mexico, and from its distance it is both difficult and expensive to defend the inhabitants against the tribes of fierce and warlike savages that roam over the surrounding country. For this cause it has suffered severely from their incursions. Mexico must expend far more in defending so distant a possession than she can possibly derive benefit from continuing to hold it.

Besides, it is greatly to be desired that our boundary with Mexico should now be established in such a manner as to preclude all future difficulties and disputes between the two republics. A great portion of New Mexico being on this side of the Rio Grande, and included within the limits already claimed by Texas, it may hereafter, should it remain a Mexican province, become a subject of dispute and a source of bad feeling between those who, I trust, are destined in future to be always friends.

On the other hand, if, in adjusting the boundary, the province of New Mexico should be included within the limits of the United

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States, this would obviate the danger of future collisions. Mexico would part with a remote and detached province, the possession of which can never be advantageous to her; and she would be relieved from the trouble and expense of defending its inhabitants against the Indians. Besides, she would thus purchase security against their attacks for her other provinces west of the del Norte, as it would at once become the duty of the United States to restrain the savage tribes within their limits, and prevent them from making hostile incursions into Mexico. From these considerations, and others which will readily suggest themselves to your mind, it would seem to be equally the interest of both powers that New Mexico should belong to the United States.

But the President desires to deal liberally by Mexico. You are, therefore, authorized to offer to assume the payment of all the just claims of our citizens against Mexico; and, in addition, to pay five millions of dollars in case the Mexican government shall agree to establish the boundary between the two countries from the mouth of the Rio Grande, up the principal stream to the point where it touches the line of New Mexico; thence west of the river along the exterior line of that province, and so as to include the whole within the United States, until it again intersects the river; thence up the principal stream of the same to its source; and thence due north until it intersects the forty-second degree of north latitude.

A boundary still preferable to this would be an extension of the line from the northwest corner of New Mexico, along the range of mountains until it would intersect the forty-second parallel.

Should the Mexican authorities prove unwilling to extend our boundary beyond the del Norte, you are, in that event, instructed to offer to assume the payment of all the just claims of citizens of the United States against Mexico, should she agree that the line shall be established along the boundary defined by the act of Congress of Texas, approved December 19, 1836, to wit: beginning at "the mouth of the Rio Grande; thence up the principal stream of said river to its source; thence due north to the forty-second degree of north latitude."

It is scarcely to be supposed, however, that Mexico would relinquish five millions of dollars for the sake of retaining the narrow strip of territory in the valley of New Mexico, west of the Rio Grande; and thus place under two distinct governments the small settlements, closely identified with each other, on the opposite banks of the river. Besides, all the inconveniences to her from holding New Mexico, which I have pointed out, would be seriously aggravated by her continuing to hold that small portion of it which lies west of the river.

There is another subject of vast importance to the United States, which will demand your particular attention. From information possessed by this department, it is to be seriously apprehended that both Great Britain and France have designs upon California. The views of the government of the United States on this subject you will find presented in my despatch to Thomas O. Larkin, esq., our consul at Monterey, dated October 17, 1845, a copy of which is

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herewith transmitted. From it you will perceive, that whilst this government does not intend to interfere between Mexico and California, it would vigorously interpose to prevent the latter from becoming either a British or a French colony. You will endeavor to ascertain whether Mexico has any intention of ceding it to the one or the other power; and if any such design exists, you will exert all your energies to prevent an act which, if consummated, would be so fraught with danger to the best interests of the United States. On this subject you may freely correspond with Mr. Larkin, taking care that your letters shall not fall into improper hands.

The possession of the bay and harbor of San Francisco is all important to the United States. The advantages to us of its acquisition are so striking, that it would be a waste of time to enumerate them here. If all these should be turned against our country by the cession of California to Great Britain, our principal commercial rival, the consequences would be most disastrous.

The government of California is now but nominally dependent upon Mexico; and it is more than doubtful whether her authority will ever be reinstated. Under these circumstances, it is the desire of the President that you shall use your best efforts to obtain a cession of that province from Mexico to the United States. Could you accomplish this object, you would render immense service to your country, and establish an enviable reputation for yourself. Money would be no object, when compared with the value of the acquisition. Still, the attempt must be made with great prudence and caution, and in such a manner as not to alarm the jealousy of the Mexican government. Should you, after sounding the Mexican authorities on the subject, discover a prospect of success, the President would not hesitate to give, in addition to the assumption of the just claims of our citizens on Mexico, twenty-five millions of dollars for the cession. Should you deem it expedient, you are authorized to offer this sum for a boundary running due west from the southern extremity of New Mexico to the Pacific ocean, or from any other point on its western boundary which would embrace Monterey within our limits. If Monterey cannot be obtained, you may, if necessary, in addition to the assumption of these claims, offer twenty millions of dollars for any boundary commencing at any point on the western line of New Mexico and running due west to the Pacific, so as to include the bay and harbor of San Francisco. The larger the territory south of this bay, the better. Of course, when I speak of any point on the western boundary of New Mexico, it is understood that from the del Norte to that point our boundary shall run according to the first offer which you have been authorized to make. I need scarcely add, that in authorizing the offer of five millions, or twenty-five millions, or twenty millions of dollars, these are to be considered as maximum sums. If you can accomplish either of the objects contemplated for a less amount, so much more satisfactory will it prove to the President.

The views and wishes of the President are now before you, and much, at last, must be left to your own discretion. If you can accomplish any one of the specific objects which have been presented

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in these instructions, you are authorized to conclude a treaty to that effect. If you cannot, after you shall have ascertained what is practicable, you will ask for further instructions, and they shall be immediately communicated.

Your mission is one of the most delicate and important which has ever been confided to a citizen of the United States. The people to whom you will be sent are proverbially jealous; and they have been irritated against the United States by recent events, and the intrigues of foreign powers. To conciliate their good will is indispensable to your success. I need not warn you against wounding their national vanity. You may probably have to endure their unjust reproaches with equanimity. It would be difficult to raise a point of honor between the United States and so feeble and distracted a power as Mexico. This reflection will teach you to bear and forbear much, for the sake of accomplishing the great objects of your mission. We are sincerely desirous to be on good terms with Mexico; and the President reposes implicit confidence in your patriotism, sagacity, and ability, to restore the ancient relations of friendship between the two republics.

Herewith you will also receive your full powers to conclude a treaty, together with two maps—the one Arrowsmith's and the other Emory's—on which are designated the limits of New Mexico.

You will keep the department advised of your progress as often as safe opportunities may offer.

You are aware that Congress, at their last session, made the following appropriation:

"For paying the April and July instalments of the Mexican indemnities, due in eighteen hundred and forty-four, the sum of two hundred and seventy-five thousand dollars: *Provided*, it shall be ascertained to the satisfaction of the American government that said instalments have been paid by the Mexican government, to the agent appointed by the United States to receive the same, in such manner as to discharge all claim on the Mexican government, and said agent to be delinquent in remitting the money to the United States."

The whole transaction between Emilio Voss, esq., the agent of the United States, and the Mexican authorities, is yet involved in mystery, which this government has not been able to unravel. You will endeavor, with as little delay as possible, to ascertain the true state of the case in relation to the alleged payment of these instalments by the Mexican government to our agent, and give the department the earliest information on the subject. A copy of his receipt ought to be obtained, if possible.

I am, &c.,

JAMES BUCHANAN.

JOHN SLIDELL, Esq.,
Envoy Extraordinary and Minister Plenipotentiary from the United States to Mexico.

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Mr. Buchanan to Mr. Trist.

DEPARTMENT OF STATE,
Washington, April 15, 1847.

SIR: Since the glorious victory of Buena Vista, and the capture of Vera Cruz and the castle of San Juan d'Ulloa by the American arms, it is deemed probable that the Mexican government may be willing to conclude a treaty of peace with the United States. Without any certain information, however, as to its disposition, the President would not feel justified in appointing public commissioners for this purpose, and inviting it to do the same. After so many overtures rejected by Mexico, this course might not only subject the United States to the indignity of another refusal, but might, in the end, prove prejudicial to the cause of peace. The Mexican government might thus be encouraged in the mistaken opinion, which it probably already entertains, respecting the motives which have actuated the President in his repeated efforts to terminate the war. He deems it proper, notwithstanding, to send to the head-quarters of the army a confidential agent, fully acquainted with the views of this government, and clothed with full powers to conclude a treaty of peace with the Mexican government, should it be so inclined. In this manner he will be enabled to take advantage, at the propitious moment, of any favorable circumstances which might dispose that government to peace.

The President, therefore, having full confidence in your ability, patriotism, and integrity, has selected you as a commissioner to the United Mexican States, to discharge the duties of this important mission; and for your services in this capacity you will be allowed the outfit and salary of a chargé d'affaires.

You are herewith furnished with a projét of a treaty, (marked A,) embraced in eleven articles, and founded upon just and liberal principles towards Mexico; which, together with your instructions, you may communicate confidentially to Major General Scott and Commodore Perry.

Should a Mexican plenipotentiary meet you, duly authorized by his government to conclude a treaty of peace, you will, after a mutual exchange of your full powers, deliver him a copy of this projét, with the sum in blank contained in the fifth article as a consideration for the extension of our boundaries, and inform him that you are prepared to sign it, on behalf of the government of the United States, as soon as the sum with which the blank is to be filled shall be agreed upon by the parties. This sum ought to be as much below the fifteen millions contained in the article as you can accomplish. Considering the heavy expenses and sacrifices of the war on our part, and the brilliant success of our arms, as well as the large amount which, under the projét, this government has assumed to pay our own citizens for claims due to them by Mexico, justice would seem to require that the treaty should not stipulate for the payment of a very large sum.

You may, in conversation with him, ascertain what change in the

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terms of the projét the Mexican government would require; and if this should become indispensable to attain the object, you may modify these terms, including the amount to be paid to Mexico, in the following particulars:

1. Instead of fifteen millions of dollars stipulated to be paid by the fifth article for the extension of our boundary over New Mexico and Upper and Lower California, you may increase the amount to any sum not exceeding thirty millions of dollars, payable by instalments of three millions per annum, provided the right of passage and transit across the isthmus of Tehuantepec, secured to the United States by the eigth article of the projét, shall form a part of the treaty.

2. Whilst it is of the greatest importance to the United States to extend their boundaries over Lower California, as well as New Mexico and Upper California, you are not to consider this as a *sine qua non* to the conclusion of a treaty. You will, therefore, not break off the negotiation if New Mexico and Upper California can alone be acquired. In that event, however, you will not stipulate to pay more than twenty millions of dollars for these two provinces without the right of passage and transit across the isthmus of Tehuantepec.

3. You are authorized to stipulate for the payment of any sum not exceeding twenty-five millions of dollars for New Mexico and Upper California, without Lower California, provided the stipulation securing the right of passage and transit across the isthmus of Tehuantepec shall be retained in the treaty; or, if this should be stricken out, you are authorized to stipulate for the payment of the like sum of twenty-five millions of dollars for Lower California, in addition to New Mexico and Upper California.

Should Lower California not be embraced in the treaty, then it will become necessary to change the delineation of boundary contained in the fourth article of the projét in the following manner:

Instead of the concluding words "to the Pacific ocean," let it read, "to a point directly opposite the division line between Upper and Lower California; thence due west along the said line which runs north of the parallel of 32 degrees and south of San Miguel, to the Pacific ocean; and the vessels and citizens of the United States shall, in all time to come, have free and uninterrupted access to and from the ocean, through the gulf of California, from and to their possessions north of the said division line."

You will not fail to observe that the sums of thirty, twenty, and twenty-five millions of dollars, respectively, which you are authorized to offer, are all maximums; and you will not go to the extent of either, unless you shall find this absolutely necessary to the conclusion of a treaty. You will not exceed the fifteen millions of dollars contained in the fifth article of the projét, until you shall have good reason to believe that the Mexican government would break off the negotiation unless it should be increased; and, in departing from this sum, you will go as little beyond it as practicable.

Whilst it would be most convenient for the treasury of the United States to pay any sum for which you may stipulate in annual

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instalments of three millions each, yet this is not indispensable. If necessary, therefore, to the conclusion of the treaty, you may agree that, for the remainder of the sum above the three millions of dollars to be paid upon its ratification by Mexico, the government of the United States shall create a six per cent. stock, similar to that created for the purchase of Louisiana, to be transferred to the government of Mexico, the interest on the same to be payable annually at the city of Washington, and the principal to be redeemable there, at the pleasure of this government, any time after two years from the exchange of ratifications.

Should this stock not be created, then, if insisted upon by the Mexican government, each of the annual instalments may bear an interest of six per-cent., but the interest on each instalment to be payable only when the principal shall be paid.

If you can obtain the postponement of the payment of the whole or any part of the three millions of dollars stipulated to be paid by the projét, immediately after the ratification of the treaty by Mexico, until the ratifications shall have been exchanged, this would be highly satisfactory to the President.

The rights of the persons and property of the inhabitants of the territory over which the boundaries of the United States shall be extended, will be amply protected by the constitution and laws of the United States. An article, therefore, to secure these rights has not been inserted in the projét; but should this be deemed necessary by the Mexican government, no strong objection exists against inserting in the treaty an article similar to the third article of the Louisiana treaty. It might read as follows: "The inhabitants of the territory over which the jurisdiction of the United States has been extended by the fourth article of this treaty shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

In the event of the insertion of this article, it would be proper to add to it the following: "Provided that all grants or concessions whatever of any lands, made or issued by the Mexican government since the thirteenth day of May, one thousand eight hundred and forty-six, within the said territory, shall be absolutely null and void." The date might, if necessary, be changed from the day when Congress recognised the existence of the war to the month of September, 1846, when the American forces took possession of California.

The extension of our boundaries over New Mexico and Upper California, for a sum not exceeding twenty millions of dollars, is to be considered a *sine qua non* of any treaty. You may modify, change, or omit the other terms of the projét if needful, but not so as to interfere with this ultimatum.

If you should not succeed in accomplishing the object of your mission, you are authorized to make the necessary preliminary ar-

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rangements with the Mexican government for the conclusion of a treaty of peace by commissioners, to be appointed by both parties, according to the proposition contained in my note of the 18th January last to the Mexican minister of foreign relations; provided a reasonable prospect shall exist that such Mexican commissioners will agree to the ultimatum which I have specified.

So rapidly does revolution follow revolution in Mexico, that it would be difficult to conjecture what form of government you may find in existence over that ill-fated country on your arrival at the head-quarters of the army. The constitution of 1824 may then have been abolished, and a dictatorship be again existing in its stead. You will not hesitate, however, to conclude a treaty with whatever government you shall find there upon your arrival, provided it presents a reasonable prospect of being able to maintain itself. Should a dictator be established who has subverted the constitution of 1824, and acquired the supreme power, his ratification of the treaty will be sufficient without the previous approbation of the general Congress. Were this government to refuse to conclude a treaty of peace until the Mexican government shall assume any permanent constitutional form, the war might yet continue for many years to come.

If the contingency shall occur on the happening of which, as provided by the third article of the proposed treaty, hostilities are required to be suspended, you will, without delay, communicate this fact to the commanders of our land and naval forces respectively; the Secretaries of War and the Navy having already issued orders to them for the suspension of hostilities upon the receipt of such a notice from yourself.

You will herewith receive a certificate from the Secretary of the Treasury, that your draft in favor of the Mexican government, for the whole or any part of the three millions of dollars appropriated by the act of Congress of the 3d March, 1847, entitled "An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," will be duly honored. You will be exceedingly careful not to draw for any part of this sum until the conditions required by that act shall have been fully complied with, and the treaty which you may sign with the authorized agent or agents of the Mexican government has been "duly ratified by Mexico." As the disbursement of so large a sum is a matter of great importance, you should use every precaution to be certain that your drafts shall be drawn in favor of the proper functionary of the Mexican government, and the whole business transacted in such a manner that no difficulty will hereafter arise on the subject. You will take receipts in triplicate for any draft or drafts which you draw; which ought, if possible, to be signed by the President of Mexico, and countersigned by the minister of finance.

I am, sir, with great respect, your obedient servant,

JAMES BUCHANAN.

NICHOLAS P. TRIST, Esq.,
&c., &c., &c.

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[A.]

PROJET.

The United States of America and the United Mexican States, desirous of terminating the war which has unhappily subsisted between the two republics, and of restoring peace, friendship, and good understanding between them, have, for that purpose, appointed their respective plenipotentiaries; that is to say, the President of the United States has appointed Nicholas P. Trist, &c., &c., and

who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

ARTICLE I.

There shall be a firm and universal peace between the United States of America and the United Mexican States, and between their respective countries, territories, cities, towns, and people, without exception of places or persons. All hostilities, both by sea and land, shall definitively cease so soon as the ratifications of this treaty shall have been exchanged by the parties.

ARTICLE II.

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the exchange of the ratifications of this treaty.

ARTICLE III.

So soon as the present treaty shall have been duly ratified by the United Mexican States, this fact shall be made known with the least possible delay to the military and naval commanders of both parties, whereupon a suspension of hostilities shall take place both by land and by sea, as well on the part of the military and naval forces of the United States as on the part of those of the United Mexican States; and the said suspension of hostilities shall be inviolably observed on both sides. Immediately after the exchange of the ratifications of the present treaty, all the forts, territories, places, and possessions, whatsoever, taken by the United States from the United Mexican States during the war, except such as are embraced within the limits of the United States as defined by the fourth article of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty: and in like manner, all the forts, territories, places, and possessions, whatsoever, taken by the United Mexican States from the United States during the war, and also all such forts, territories, places, and possessions embraced within the limits of the United States under the fourth article of this treaty, shall be

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restored, evacuated, and delivered over to the United States without delay, and without causing any destruction, or carrying away any of the artillery or other public property from the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty.

ARTICLE IV.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from the land opposite the mouth of the Rio Grande; from thence up the middle of that river to the point where it strikes the southern line of New Mexico; thence westwardly along the southern boundary of New Mexico to the southwestern corner of the same; thence northward along the western line of New Mexico, until it intersects the first branch of the river Gila; or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch; and thence in a direct line to the same, and down the middle of said branch, and of the said river, until it empties into the Rio Colorado; thence down the middle of the Colorado, and the middle of the Gulf of California, to the Pacific ocean.

ARTICLE V.

In consideration of the extension of the boundaries of the United States, as defined by the last preceding article, the United States agree to pay to the United Mexican States, at the city of Vera Cruz, the sum of fifteen millions of dollars, in five equal annual instalments, each of three millions of dollars; the first instalment to be paid immediately after this treaty shall have been duly ratified by the government of the United Mexican States.

ARTICLE VI.

As a further consideration for the extension of the boundaries of the United States, as defined by the fourth article of this treaty, the United States agree to assume and pay to the claimants all the instalments now due, or hereafter to become due, under the convention between the two republics, concluded at the city of Mexico on the 30th day of January, 1843, "further to provide for the payment of awards in favor of claimants under the convention between the United States and the Mexican republic, of the 11th April, 1839." And the United States also agree to assume and pay, to an amount not exceeding three millions of dollars, all claims of citizens of the United States not heretofore decided against the government of the United Mexican States, which may have arisen previous to the 13th of May, 1846, and shall be found to be justly due by a board of commissioners to be established by the government of the United States, whose awards shall be final and conclusive: *Provided*, That, in deciding upon the validity of these claims, the board shall be guided and governed by the principles and rules of

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decision prescribed by the first and fifth articles of the unratified convention concluded at the city of Mexico on the 20th day of November, A. D. 1843; and in no case shall an award be made in favor of any claim not embraced by these principles and rules. And the United States do hereby forever discharge the United Mexican States from all liability for any of the said claims, whether the same shall be rejected or allowed by the said board of commissioners.

ARTICLE VII.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents, in the possession or power of the government of the United Mexican States, shall be deemed necessary to the just decision of any of said claims, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make a demand in writing for the same, addressed to the Mexican minister for foreign affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the said books, records, or documents, in their possession or power, which shall be specified, to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners: *Provided*, That no such demand shall be made at the instance of any claimant until the facts which it is expected to prove by such books, records, or documents, shall first have been stated under oath or affirmation.

ARTICLE VIII.

The government of the United Mexican States hereby grant and guaranty forever, to the government and citizens of the United States, the right to transport across the isthmus of Tehuantepec, from sea to sea, by any modes of communication now existing, whether by land or water, free of any toll or charges whatever, all and any articles of the growth, produce, or manufacture of the United States, or of any foreign country, belonging to the said government or citizens; and also the right of free passage over the same to all citizens of the United States. And the government of the United Mexican States also grant and guaranty to the government and citizens of the United States the same right of passage for their merchandise and articles aforesaid, as well as for such citizens, over any railroad or canal which may hereafter be constructed across the said isthmus by the government of the United Mexican States, or by its authority, paying no more than fair and reasonable tolls for the same; and no higher tolls and charges shall be levied and collected upon any of the before mentioned articles and merchandise belonging to the government or citizens of the United States, or upon the persons of such citizens, for passing over the said railroad or canal, than shall be levied and collected upon like articles and merchandise belonging to the government or citizens of Mexico, being the growth, produce, and manufacture of

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Mexico, or of any foreign country, or upon the persons of such citizens. And none of the said articles whatever, belonging to the government or citizens of the United States, thus passing in transit over the said isthmus, from sea to sea, either by the existing modes of communication or over any railroad or canal which may hereafter be constructed, in either direction, for the purpose of being transported to any port of the United States, or of any foreign country, shall be liable to any import or export duty whatever. The two governments hereby engage, with as little delay as possible, mutually to agree upon such regulations as may be necessary to prevent fraud and smuggling, in consequence of the right of passage thus granted and perpetually guarantied to the government and citizens of the United States.

ARTICLE IX.

All goods, wares, or merchandise, which shall, during the war, have been imported into any of the ports or places of either party whilst in the military occupation of the other, by the citizens of either, or by the citizens or subjects of any neutral power, shall be permitted to remain exempt from confiscation, or from any tax or duty upon the sale or exchange of the same, or upon the withdrawal of the said property from the country; and the owners thereof shall be permitted to sell and dispose of the said property, in the same manner, in all respects whatever, as if it had been imported into the country in time of peace, and had paid the duties under the laws of either party, respectively.

ARTICLE X.

The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, and every article thereof, with the exception of the additional article, are hereby revived, for the period of eight years from the day of the exchange of the ratifications of this treaty, with the same force and virtue as if they made part of the context of the same; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same, by giving one year's notice of such intention to the other party.

ARTICLE XI.

This treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the United Mexican States, with the previous approbation of their general Congress; and the ratifications shall be exchanged in the city of Washington within six months from the date of the signature hereof, or sooner if practicable.

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In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate, at , the day of A. D. one thousand eight hundred and forty-seven.

Mr. Trist to Mr. Buchanan.—Extract.

[No. 6.] PUEBLA, *June* 3, 1847.

SIR:

* * * * * * * * * *

I enclose, also, a letter addressed to me by a gentleman whose name will be communicated hereafter. Being struck with the clearness and comprehensiveness, as well as the justness, of the views expressed by him in conversation with me, I requested him to commit the substance to writing; which he has obligingly done. I beg leave to call your attention to the part relating to the point *below* the Paso del Norte, to which he attaches *great* importance in a military point of view. If deemed proper, the boundary defined in my instructions might easily be modified in accordance with this suggestion (so far as regards that post) by saying, "up the middle of the Rio Bravo to the 32d degree of north latitude; thence due west to a point due south of the southwestern angle of New Mexico; thence due north to the said angle; thence along the western boundary," &c. I will add, that he has not the slightest idea of what my instructions contain on this or any other subject.

* * * * * * * * *

Hon. JAMES BUCHANAN,
Secretary of State.

Mr. Buchanan to Mr. Trist.—Extract.

[No. 2.] DEPARTMENT OF STATE,
Washington, June 14, 1847.

SIR:

* * * * * * * * *

Enclosed I transmit you a copy of the orders issued on the 11th instant by the President to the Secretaries of War and of the Navy, upon the report of the Secretary of the Treasury of the day preceding, in relation to the Mexican tariff. From these you will perceive that it has been announced to the world that the government intend to provide by the treaty with Mexico that goods imported into any of the ports of that country, whilst in our military possession, shall be exempt from any new import duty or charge after the conclusion of peace. This will render it necessary for you to insist upon the insertion of the ninth article of the projét in the treaty. Indeed, you may consider this as a *sine qua non*.

Yours, very respectfully,
JAMES BUCHANAN.

To N. P. TRIST, Esq.,
&c., &c., &c.

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Mr. Buchanan to Mr. Trist.—Extract.

[No. 3.] DEPARTMENT OF STATE,
Washington, July 13, 1847.

SIR:

* * * * * * * * *

According to the suggestion in your despatch No. 6, you are authorized to modify the boundary contained in your instructions, so as to make it read, "up the middle of the Rio Grande to the thirty-second degree of north latitude; thence due west to a point due south of the southwestern angle of New Mexico; thence due north to the said angle; thence northward along the western line of New Mexico," &c., &c., &c. This modification, which would embrace the Paso del Norte within the limits of the United States, is deemed important: still you are not to consider it as a *sine qua non*, nor suffer it to delay the conclusion of a treaty.

I would suggest another and more important modification of the line; and this is, to run it along the thirty-second parallel of north latitude from the Rio Grande to the middle of the gulf of California, and thence down the middle of the gulf to the Pacific ocean; or, if this cannot be obtained, to run it due west from the southwest angle of New Mexico to the middle of the gulf. Either of these lines would include within our limits the whole course of the Gila. From information derived from Major Emory, the valley of that river presents a favorable route for a railroad to the Pacific; but this would sometimes pass on the one side and sometimes on the other of the bed of the stream. For this reason it is deemed important that the whole valley of that river should be included within the boundary of the United States. You are, therefore, authorized and instructed to make the first, or if this cannot be obtained, the second modification above suggested, in the line; but still with the understanding that neither of these two changes is to be considered as a *sine qua non*, nor is it to delay the conclusion of a treaty.

In case Lower California cannot be obtained, then the line might be run on the parallel of thirty-two degrees, or due west from the southwest corner of New Mexico to the Pacific ocean. If the latter line should be adopted, care must be taken that San Miguel shall be included within our limits.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. TRIST, Esq.,
&c., &c., &c.

Mr. Buchanan to Mr. Trist.—Extract.

[No. 4.] DEPARTMENT OF STATE,
Washington, July 19, 1847.

SIR: I enclose you a duplicate of my despatch No. 3, of the 13th instant.

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The more I reflect upon the subject, the better am I convinced of the importance of running the boundary line between the Rio Grande and the gulf of California, along the thirty-second parallel of north latitude. We cannot learn that the boundaries of New Mexico have ever been authoritatively and specifically determined; and difficulties might hereafter arise between the two governments in ascertaining where the southwestern angle of New Mexico is situated. A conversation with Major Emory since the date of my last despatch, has convinced me still more of the importance of this modification.

You will, therefore, in the copy of the projét of a treaty which you are instructed to present to the Mexican plenipotentiary, if this be not too late, substitute the following, instead of the 4th article:

ARTICLE 4.—The boundary line between the two republics shall commence in the gulf of Mexico three leagues from the land, opposite the mouth of the Rio Grande; from thence up the middle of that river to the thirty-second parallel of north latitude; from thence due west along this parallel of latitude to the middle of the gulf of California; thence down the middle of the same to the Pacific ocean.

It is not intended that you shall make the parallel of 32°, instead of the river Gila, a *sine qua non;* but yet it is deemed of great importance that you should obtain this modification, if it be practicable.

If Lower California cannot be obtained, then the line on the parallel of 32° might be extended to the Pacific ocean; taking care, in that event, to secure to our citizens, in accordance with your original instructions, "in all time to come, a free and uninterrupted access to and from the ocean through the gulf of California, from and to their possessions north of the said division line."

Major Emory, whilst in California, has accurately ascertained the latitude of two important points in that country. The latitude of the town of San Diego is 32° 44″ 59′. The harbor is some miles south of the town. The latitude of the mouth of the Gila where it empties into the Colorado, is 32° 43′.

* * * * * *

To N. P. TRIST, esq., *&c., &c., &c.*

Mr. Buchanan to Mr. Trist.

[No. 5.] DEPARTMENT OF STATE,
Washington, October 6, 1847.

SIA: On the 2d instant there was received at this department, from Vera Cruz, a printed document in Spanish, consisting of eight quarto pages, and entitled "Contestaceones habedas entre el Supremo Gobierno Mexicano, el General en Gefe del ejercito Americano, y el Comisionado de los Estados Unidos. This purports to give a history in detail of the origin, progress, and unsuccessful termination of your negotiations with the Mexican commissioners.

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The counter projét of the Mexican government is, indeed, under all the circumstances, a most extraordinary document. Its extravagance proves conclusively that they were insincere in appointing commissioners to treat for peace, and that the armistice and subsequent negotiations were intended merely to gain time. They must have known that the government of the United States never would surrender either the territory between the Nueces and the Rio Grande, or New Mexico, or any portion of Upper California; never would indemnify Mexican citizens for injuries they may have sustained by our troops in the prosecution of the present just and necessary war; and never could, without dishonor, suffer the Mexican government to levy new duties upon goods imported into ports now in our actual possession which had already paid duties to the United States. To propose such terms was a mere mockery. And here I ought to observe, in justice to yourself, that we do not believe there is any truth in the assertion of the Mexican commissioners, that you had proposed (if the other terms of the treaty were made satisfactory) to refer to your government, "with some hope of a good result," the question of surrendering to Mexico that portion of the sovereign State of Texas between the Nueces and the Rio Grande, or any part of Upper California.

Your original instructions were framed in the spirit of forbearance and moderation. It was hoped, that after the surrender of Vera Cruz and the castle of San Juan d'Ulloa, the Mexican government would be willing to listen to the counsels of peace. The terms, therefore, to which you were authorized to accede, were of the most liberal character, considering our just claims on Mexico and our success in the war. New Mexico, the Californias, several of the northern States, and most of the important ports of Mexico, were then in our possession; and yet we were at that time willing freely to surrender most of these conquests, and even to make an ample compensation for those which we retained.

Circumstances have entirely changed since the date of your original instructions. A vast amount of treasure has since been expended; and, what is of infinitely more value, the lives of a great number of our most valuable citizens have been sacrificed in the prosecution of the war.

In the annals of history never has there been a war conducted in the same manner by invading forces. Instead of levying military contributions for the support of our armies in the heart of our enemy's country, we have paid fair, and even extravagant prices, for all the supplies which we have received. We have not only held sacred the private property of the Mexicans, but on several occasions have fed their famishing soldiers, and bound up their wounds. And what has been the return? Treachery and cruelty have done their worst against us. Our citizens have been murdered, and their dead bodies mutilated, in cold blood, by bands of savage and cowardly guerillas; and the parole of honor, sacred in all civilized warfare, has been habitually forfeited by Mexican officers and soldiers. Those paroled at Vera Cruz have fought against us at Cerro Gordo; and those paroled at Cerro Gordo have doubtless been in

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the ranks of the enemy in the battles so glorious to our arms at and near the city of Mexico.

After the battle of Cerro Gordo, the President entertained serious thoughts of modifying your instructions, at least so far as greatly to reduce the maximum sums which you were authorized to pay for portions of the Mexican territory; but, wishing to afford to the world an example of continued moderation and forbearance in the midst of victory, he suffered them to remain unchanged. And what has been the consequence?

After a series of brilliant victories, when our troops were at the gates of the capital, and it was completely in our power, the Mexican government have not only rejected your liberal offers, but have insulted our country by proposing terms the acceptance of which would degrade us in the eyes of the world, and be justly condemned by the whole American people. They must attribute our liberality to fear, or they must take courage from our supposed political divisions. Some such cause is necessary to account for their strange infatuation. In this state of affairs, the President, believing that your continued presence with the army can be productive of no good, but may do much harm by encouraging the delusive hopes and false impressions of the Mexicans, has directed me to recall you from your mission, and to instruct you to return to the United States by the first safe opportunity. He has determined not to make another offer to treat with the Mexican government, though he will be always ready to receive and consider their proposals. They must now first sue for peace.

What terms the President may be willing to grant them will depend upon the future events of the war, and the amount of the precious blood of our fellow-citizens and the treasure which shall in the mean time have been expended.

Should the Mexican government desire hereafter to open negotiations, or to propose terms of peace, their overtures will be immediately transmitted to Washington by the commanding general, where they will receive the prompt consideration of the President.

Should you have concluded a treaty before this despatch shall reach you, which is not anticipated, you will bring this treaty with you to the United States, for the consideration of the President; but should you, upon its arrival, be actually engaged in negotiations with Mexican commissioners, these must be immediately suspended; but you will inform them that the terms which they may have proposed, or shall propose, will be promptly submitted to the President on your return. You are not to delay your departure, however, awaiting the communication of any terms from these commissioners, for the purpose of bringing them to the United States.

I am, sir, very respectfully, your obedient servant,

JAMES BUCHANAN.

To Nicholas P. Trist, Esq.,
&c., &c., &c.

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Mr. Buchanan to Mr. Trist.

[No. 6.] DEPARTMENT OF STATE,
Washington, October 25, 1847.

SIR: Your despatches, either in original or duplicate, to No. 16 inclusive, with the exception of Nos. 5 and 8, have been received at the department.

From your despatch No. 15, of the 4th September, received on the 21st instant, it appears that you had offered to the Mexican commissioners, that if they would propose to you to establish the boundary between the two republics by a line by which the United States would surrender that portion of the State of Texas between the Rio Grande and the Nueces, and also that portion of Upper California south of the thirty-third parallel of latitude, between the Colorado and the Pacific ocean, you would transmit such a proposition, proceeding from them, to Washington, and would propose to General Scott to continue the then existing armistice until you should receive the answer of your government.

You will have learned from my despatch No. 5, of the 6th inst., that we did not believe there was any truth in the statement of the Mexican commissioners that you had made such a proposal. As this fact is now placed beyond a doubt, the President has instructed me to express to you his profound regret that you should have gone so far beyond the carefully considered ultimatum, to which you were limited by your instructions.

The State of Texas is in the exercise of peaceable and undisturbed jurisdiction over the country between the Nueces and the Rio Grande. She has made extensive grants of land within its limits; divided it into counties, which have been represented in her convention and legislative assemblies; established courts of justice therein; and, in short, has exercised the same sovereign rights over it as over any other portion of her territory.

Congress, acting upon these incontestable facts, as well as upon the clear right of Texas to extend to the Rio Grande, in December, 1845, created a port of delivery west of the Nueces, at Corpus Christi, and in May, 1846, established post routes between these two rivers. This region, also, constitutes a part of one of the congressional districts of Texas, and its people are now represented in the Congress of the United States.

Under these circumstances, the President could not for a single moment entertain the question of surrendering that portion of Texas, even if this were practicable. But such is not the case. Considering the enterprising and energetic character of the American people, it would be impossible to expel by force the inhabitants between the Nueces and the Rio Grande from their possessions, and to convert this territory into a desert, for the security of the Mexican frontier.

The President has also directed me to express his regret that you should have been willing to entertain the question of surrendering any portion of Upper California to Mexico. By running the divi-

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sion line from the Colorado to the Pacific, along the thirty-third parallel of latitude, the bay and harbor of San Diego would be restored to the Mexican republic. This port, being nearly five degrees further south, is, for every commercial purpose, of nearly equal importance to the United States with that of San Francisco. It was to secure to us the bay and harbor of San Diego beyond all question, and to prevent the Mexican government from hereafter contesting the correctness of the division line between Upper and Lower California, as delineated on the map which you carried with you, that your original instructions directed that if you could not obtain Lower California, the fourth article of the projét should in terms fix this line as running "north of the parallel of 32°, and south of San Miguel, to the Pacific ocean."

To have arrested our victorious army at the gates of the capital for forty or fifty days, and thus to have afforded the Mexicans an opportunity to recover from their panic, to embody their scattered forces, and to prepare for further resistance, in order that in the meantime you might refer such proposals to your government, would, in the President's opinion, have been truly unfortunate.

With these considerations in view, the President has directed me to reiterate your recall.

The date of the last despatch received at the War Department from General Scott is the 4th June. The President is now becoming apprehensive that he may not receive despatches from him before the meeting of Congress.

I transmit herewith a copy, in triplicate, of my despatch No. 5.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. TRIST, Esq.,
&c., &c., &c.

Mr. De la Rosa to Mr. Trist.

[Translation.]

QUERETARO, *October* 31, 1847.

The undersigned, minister of foreign relations of the Mexican republic, has had the honor to receive the note under date the 20th ultimo,* addressed to him by his excellency Nicholas Trist, commissioner of the United States of America, clothed with full powers to conclude a treaty of peace with the said republic. The undersigned has received, also, the note of his excellency Mr. Trist, in reply to that addressed to him under date the 6th September† by their excellencies the commissioners, on the part of Mexico, for negotiating a peace.

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* This note has not been received at the Department of State.
† A copy of this note has been communicated to the Senate in legislative session.

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Although the two documents referred to leave but little hope that peace may be re-established, the undersigned can assure his excellency Mr. Trist that the government of Mexico is animated by the same ardent wish as his excellency for the cessation of a war, the calamities of which now bear heavily upon this republic, and the consequences of which will, sooner or later, make themselves felt by the United States of America. The undersigned will in consequence have the honor, in the course of a few days, to advise his excellency Mr. Trist of the appointment of commissioners to continue the negotiations for peace, to whom will be given instructions for the previous adjustment of an armistice, which the government of the undersigned believes will conduce greatly to the good result of the said negotiation.

The undersigned offers to his excellency Nicholas Trist the assurance of his very distinguished consideration.

LUIS DE LA ROSA.

Mr. Trist to Mr. Buchanan.

[No. 21.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, November 27, 1847.

SIR: I have the honor to acknowledge the receipt, on the 16th instant, by a courier from Vera Cruz, of your despatch of the 25th ultimo, accompanied by the triplicate of that of the 6th of the same month, the original of which was delivered to me on the evening of the next day, by Mr. Smyth, the bearer of despatches. The duplicate has not yet come to hand. It probably forms part of the large mail which, agreeably to the intelligence received here, left Vera Cruz in company with General Patterson, who had stopped at Jalapa.

On a future occasion, perhaps, should I ever find time to employ on a theme so insignificant with respect to the public interests, and so unimportant in my own eyes, so far as regards its bearings upon myself personally, I may exercise the privilege of examining the grounds for the censure cast upon my course by the President, and explaining those upon which rests the belief still entertained by me, that that course was calculated to attain the end contemplated by our government, and was the only one which afforded the slightest possibility of its being attained; the end, I mean, of bringing about a treaty of peace on the basis, in all material respects, of the project entrusted to me. For the present I will merely call attention to the fact, that a mere offer to *refer a question* to my government constitutes the only ground on which I can be charged with having "gone so far beyond the carefully considered ultimatum to which I was limited by my instructions." Whether this offer, under the circumstances and prospects of the crisis when it was made, was wise or unwise—I mean with reference to the end desired by our government—is a question which no longer possesses any practical importance; though the time was, when it constituted with me a sub-

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ject of the most careful and the most anxious deliberation; not because of the personal responsibility attaching to the decision in which that deliberation resulted—for that never occupied my mind for an instant—but because I knew, and *I felt*, that upon my own decision depended, according to every human probability, the early cessation of the war, or its indefinite protraction. The alternative presented by the position in which I found myself was, on the one hand, to keep on safe ground so far as I was personally concerned, and destroy the only possible chance for a peace; on the other hand, to assume responsibility, and keep that chance alive, with *some* prospect, at least—and, all things considered, as perhaps I may hereafter take the trouble to show, by no means a prospect to be despised, under such circumstances—that the adoption of our projét might come to pass. * * * * *

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Upon perusing your two despatches above referred to, my first thought was immediately to address a note to the Mexican government, advising them of the inutility of pursuing their intention to appoint commissioners to meet me. On reflection, however, the depressing influence which this would exercise upon the peace party, and the exhiliration which it would produce among the opposition, being perfectly manifest, I determined to postpone making this communication officially, and meanwhile privately to advise the leading men of the party here, and at Queretaro, of the instructions which I had received. Their spirits had, for the last few days been very much raised by the course of events at Queretaro; and one of them (the second of the two heads mentioned in a late despatch) called on me on the very day after your despatches came to hand, for the purpose of communicating the "good news," and making known "the brightening prospects." Upon my saying that it was all too late, and telling what instructions I had received, his countenance fell, and flat despair succeeded to the cheeriness with which he had accosted me. The same depression has been evinced by every one of them that I have conversed with, whilst joy has been the effect with those of the opposite party who have approached me to inquire into the truth of the newspaper statement from the Union. By both parties the peace men were considered as floored; this was the *coup de grace* for them.

Mr. Thornton was to set out (as he did) the next morning for Queretaro; and I availed myself of this privately to apprize the members of the government of the state of things, with reference to which their exertions in favor of peace must now be directed, and to exhort them not to give up, as those here had at first seemed strongly disposed to do, and as it was believed here that those at Queretaro would at once do. Fortunately, however, when the news reached there, they had just taken in a strong dose of confidence—the result of the meeting of the governors—which has served to brace them against its stunning effect. Mr. Thornton left here on the 17th, and was to complete his journey on the evening of the 21st. Before he had reached there, I was privately advised here of the appointment of the commissioners named in the official

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note from the minister of relations, under date 22d, herein enclosed, together with a copy of my reply to the same, which was despatched from Queretaro on the morning of that day. Their extreme anxiety on the subject may be judged from the fact, that I have received already the same communication in duplicate and triplicate. The peace men did not cease for several days to implore me to remain in the country, at least until Mr. Parrott shall have arrived with the despatches of which report makes him the bearer. To these entreaties, however, I have turned a deaf ear, stating the absolute impossibility that those despatches should bring anything to change my position in the slightest degree. General Scott at once said that he would despatch a train at any time I might name. And I should have set out before this, but for two considerations: one, that the garrison here is already so small that its duties are exceedingly oppressive to both officers and men, and the matter would be made still worse by the detachment of another escort; the other, that General Scott * * * * * * *
* * * * * * * * * * *

For these reasons I have determined to postpone my departure until the return of the train under Lieutenant Colonel Johnson, which is expected on the 4th or 5th of next month. Should it be delayed beyond that time, and should any reinforcements have arrived here or be near, I will set out immediately after. It will take us twelve days at least to reach Vera Cruz.

I recommend to the peace men to send immediately, through General Scott, whatever propositions they may have to make, or to despatch one or more commissioners with me. After full conversations on the subject, however, I became thoroughly satisfied of the impracticability of either plan: it would, to a certainty, have the effect of breaking them down. The only *possible* way in which a treaty can be made is, to have the work done on the spot; negotiation and ratification to take place at one dash. The complexion of the new Congress, which is to meet at Queretaro on the 8th of January, is highly favorable. This will be the last chance for a treaty. I would recommend, therefore, the immediate appointment of a commissioner on our part.

I am, sir, in great haste, and very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN, *Secretary of State.*

Mr. Peña y Peña to Mr. Trist.

[Translation.]

QUERETARO, *November* 22, 1847.

The undersigned, minister of relations of the Mexican government, has the honor to address the present note to his excellency

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Don Nicholas Trist, commissioner of the United States of the north, and to acquaint his excellency that the provisional government of the president of the supreme court of justice of Mexico being ended, by the election of General Don Pedro Maria Annaya as President of the republic *ad interim*, and his excellency having appointed the undersigned the head of this department of relations, the new President at once began to inform himself respecting the last discussions which took place between his excellency Mr. Trist and this department.

Seeing in them the ardent desire which his excellency states he entertains to cause an end to be put to the calamities of the war which unfortunately severs both republics, and that for this purpose the appointment of commissioners on the part of Mexico was pending, which appointment the president of the supreme court of justice did not make on account of the temporary character of his government, the present President has decided to choose anew the same two gentlemen who had already been appointed—Don Bernardo Conto and Don Miguel Atristain; and Don Jose Joaquin Herrera and Don Ignacio Mora y Villamil not having it in their power to continue upon the commission—the first in consequence of being seriously ill, and the second in consequence of being appointed minister of war—Don Manuel Rincon and Don Luis Gonzaga Cuevas have been appointed instead of those two individuals, and have been duly informed thereof by the undersigned.

But as those gentlemen are in different parts of the republic, although not very far from this city, they have been requested to repair hither forthwith, to receive their appropriate instructions; and, when received, they will communicate with his excellency Mr. Trist, in order that, upon proper conditions, the conferences which remain pending may be continued, and may lead to the happy result of an honorable and useful peace.

The undersigned sincerely unites his desires to those of his excellency Mr. Trist, that the powers conferred may not be vain or useless; and, with that view, he has the satisfaction of offering to his excellency the assurances of his very distinguished consideration.

MANUEL DE LA PENA Y PENA.

Mr. Trist to Mr. Peña y Peña.

MEXICO, *November* 24, 1847.

The undersigned has the honor to acknowledge the receipt of the note, under date the 22d instant, of his excellency Don Manuel de la Peña y Peña, minister of relations of the Mexican government, acquainting him of the appointment of the commissioners therein named, to negotiate for the restoration of peace. The undersigned regrets to say, in reply, that the powers conferred upon him for that purpose have been revoked, and that, agreeably to the instruc-

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tions received by him, he is under the necessity of returning, without delay, to the United States. At the same time, he has been instructed to say that any communication from the Mexican government, having for its object the opening of negotiations or the restoration of peace, will be immediately transmitted by the commanding general of the United States forces in this republic, to Washington, where it will receive the prompt consideration of the President.

The undersigned still cherishes, therefore, the hope that the signature of the treaty, which has been reserved for another hand than his, is destined to take place at an early day. In this hope, he tenders, &c., &c.

N. P. TRIST.

To his excellency Don MANUEL DE LA PENA Y PENA,
Minister of Relations of the Mexican government.

Mr. Trist to a confidential friend at Queretaro.

[CONFIDENTIAL.] MEXICO, *December* 4, 1847.

MY DEAR MR. ——— ———: This letter will occasion you great surprise, but no greater than I should myself have experienced a few hours ago, had a seer, in whose prophetic powers I put faith, foretold to me that I was to write it. Down to that moment, I have, from the time when I last wrote to you, considered it as a thing fixed and unchangeable—as absolutely fixed as any thing can be—that the treaty of peace, which I yet hoped might take place at an early day, was not to be signed by my hand. True, every time the subject presented itself to my mind, my fears had become greater and greater that the opportunity would be lost. The critical position of the peace party—whose difficulties and whose peril, as we fully know, cannot but augment with every revolving hour, until their object shall have been consummated—had seldom been absent from my thoughts; and every time it occurred to me, I became more and more deeply and anxiously impressed with the probability that, through mere delay, through the mere loss of a few weeks, all their efforts were to prove vain; that the incessant exertions, the indefatigable industry, and the patriotic courage on their part, by which the present state of things has been brought about, were, after all, to result in *nothing;* nay, in something far worse than nothing: their own entire prostration and dissolution, through flat despair and death to the sentiment of peace, in every bosom which has cherished it. Still, although this has constantly been the state of my mind on the subject, I have never, until a few hours ago, for an instant wavered from the determination expressed in my reply to your letter; never once conceived the *possibility* of a change in that determination. So convinced had all become, that it was fixed, beyond the possibility of change, that all entreaties and arguments to move me had long ceased. Nevertheless, it now stands reversed.

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For good or for evil, this reversal has occurred, and has been made known in the proper quarter. I am now resolved, and committed, to carry home with me a treaty of peace, if the Mexican government feel strong enough to venture upon making one on the basis, as regards boundary, of the projét originally presented by me, modified according to the memorandum which I subsequently gave to one of the commissioners: that is to say, running up the middle of the Rio Bravo from its mouth to the thirty-second degree of latitude, and thence along that parallel to the Pacific ocean; with free access to and from the ocean, through the gulf of California, from and to our possessions.

If they feel able to make and carry through a treaty on this basis, it would be utterly idle to talk or to think for an instant of any other, and I cannot listen to a single word on the subject: let them say the word, and the treaty shall be made.

If they do not feel thus able, let them surrender at once to the Puros, and dismiss forever all thought of a treaty; for it is the best chance that Mexico can have for one equally favorable to her, or indeed for one which any party in this country can accept. I am fully persuaded that its terms would not, by any means, meet the views *now* entertained by my government. So decided is my belief on this point, that even if I were clothed with discretionary powers to make *any* treaty *which I deemed compatible with those views*, I could not consistently with this limitation offer the terms I now propose; and I should not now make the offer but for my clear and perfect conviction on these three points: *First*. That peace is still the desire of my government. *Secondly*. That if the present opportunity be not seized *at once*, all chance for making a treaty *at all* will be lost for an indefinite period—probably forever. *Thirdly*. That this is the utmost point to which the Mexican government can, by any possibility, venture.

It is my conviction on the second of these points particularly—a conviction which has been becoming clearer and stronger every day for the last fortnight—that causes me to depart from the determination I had taken; a determination which, in any other position than the one wherein this most extraordinary, this altogether unprecedented combination of circumstances, places me with reference to the known wishes of my government and country—places, indeed, that very country itself—it would be so obviously my duty to allow nothing to shake. In my last despatch home I represented the nature of the crisis, and recommended the immediate appointment of a commission. I then hoped that this step might be taken in time. I then considered that whether it should or should not so turn out, and whatever might be the consequences of its turning out otherwise, I had nothing to do but to close my eyes to those consequences; for they had passed entirely beyond my control. I did so close my eyes, and I believed for the moment that the subject was dismissed forever from my thoughts. But ever since then, the hope that the step referred to *can* be taken ere it will be too late, has been becoming fainter and fainter every day; and as *it* has thus waned, so have the consequences presented themselves under

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a more and more threatening and disheartening aspect, as they loomed up through the dim future in their as yet indistinct and ill-defined character, but plainly incalculable immensity.

Thus has the question which your letter had raised in my mind, and which, on concluding my reply, I had considered as dismissed for once and all, again come up, and brought itself home to me. What is my line of duty to my government and my country, in this most extraordinary position in which I find myself? Knowing, as I do, that peace is the earnest wish of both, is it, *can* it be my duty to allow this last chance for peace to be lost, by my conforming to a determination of that government, taken with reference to a supposed state of things in this country entirely the reverse of that which actually exists? Upon full reflection, I have come to the conclusion that my duty is, to pursue the opposite course; and upon this conclusion I have taken my stand. It remains to be seen whether the Mexican government can come up to the mark, and give effect to my resolve. "*Now or never*" is the word; and I need not say to you that this word is uttered in all sincerity, and with as total an absence of all diplomatic reserves behind it as ever occurred in the most solemn vow pronounced by man. I have had no new instructions, no hint of any kind from Washington or elsewhere, in or out of the United States. The case stands in this respect precisely as when we parted.

I am, &c.,

N. P. TRIST.

Mr. Trist to Mr. Buchanan.

[No. 28.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, February 2, 1848.

SIR: I transmit herewith the treaty of peace, friendship, limits, and settlement, signed one hour ago at the city of Guadalupe; a spot which, agreeably to the creed of this country, is the most sacred on earth, as being the scene of the miraculous appearance of the Virgin, for the purpose of declaring that Mexico was taken under her special protection.

During the negotiation—which has been an exceedingly laborious one, and has kept me closely employed for several weeks past, during every day and night, for as many hours as I could possibly give to labor—I have written many notes which would serve as an explanation of the treaty in all its stipulations; and I have also written a long despatch on the subject. But it has proved impossible for me to find time to copy these papers, or to get them copied, for transmission. They will go some days hence with the duplicate of the treaty. Meanwhile, this must speak for itself.

It will be delivered to you by Mr. James L. Freaner, the correspondent of the New Orleans Delta, who has given such celebrity to the signature of "Mustang." For a service of this kind he would be my first choice, by far, of all the men whom I have ever

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known; as he would be among the first for any service which a man may be qualified for by high integrity of character, strong, manly good sense, extraordinary sagacity and presence of mind, perfect fearlessness, and many other noble qualities; all united with a frame of steel, and the sinews of a mountain deer. He had made his arrangements for leaving this place, on his return to the United States, with the train which I had myself intended to accompany, and which set out from hence on the 9th of December last. Aware of his great value in such a capacity, at a juncture like the present, when the loss of a single hour might be attended with consequences the most momentous, I obtained his consent to remain here, with a view to the contingency which has occurred. I consider him, therefore, as having been in the employment of the government as a special bearer of despatches, from the 9th of December. As generous and disinterested in his disposition as he is brave and upright, he would be perfectly content with the consciousness of having been useful to our country, without any other reward; but I have told him that I should insist upon this matter being placed upon the footing just stated.

With respect to the ratification of the treaty, I believe the chances to be *very* greatly in its favor; although it cannot be counted upon in less than two months from the date of the proclamation which will be issued by the executive, summoning the new Congress. The elections have not yet been held in the States of Vera Cruz and Puebla. In the former the Puros (war party) never had any strength whatever; and in the latter not enough to counteract a vigorous and concerted effort on the part of the Moderados. These elections will now speedily take place under the arrangements for facilitating them which will be entered into in pursuance of the second article of the treaty, (inserted with a special view to this object;) and the result will, according to every probability, give to the peace party in Congress a preponderance so decided as to insure its prompt ratification.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

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30th Congress, 1st Session. } Ex. [CONFIDENTIAL.]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A letter from N. P. Trist, with authenticated maps connected with the treaty with Mexico.

MARCH 7, 1848.

Read.

To the Senate of the United States:

I lay before the Senate a letter of the 12th of February, 1848, from N. P. Trist, together with the authenticated map of the United Mexican States, and of the plan of the port of San Diego, referred to in the fifth article of the "treaty of peace, friendship, limits and settlement between the United States of America and the Mexican republic;" which treaty was transmitted to the Senate with my message of the 22d ultimo.

JAMES K. POLK.

WASHINGTON, *March* 7, 1848.

[Original received at the Department of State 6th March, 1848.]

Mr. Trist to Mr. Buchanan.

[No. 29.] HEAD-QUARTERS, U. S. ARMY,
Mexico, February 12, 1848.

SIR: I transmit, herewith, the maps referred to in the fifth article of the treaty of peace, friendship, limits, and settlement between the United States and the Mexican republic, which was signed in quintuplicate on the 2d instant, and despatched immediately after. The duplicate of the treaty was transmitted on the 9th, together with my despatch No. 27, which had been written in the days immediately preceding the signature of the treaty, but which it had proved impossible for me to get copied out for transmission, or to find time for copying myself. The same remark still applies to enclosures A and B of No. 27, although it went accompanied by its enclosure C.

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I take great pleasure in stating, that the probabilities of the ratification of the treaty by Mexico, which were previously very good, have been becoming stronger and stronger every hour for several days past, and that there is good reason to believe that it may take place within two months from its date.

In the accompanying "Monitor Republicano," of the 11th instant, will be found the circular of the Minister of Relations to the governors of States, informing them of the signature of the treaty.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

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30th Congress, 1st Session. } Ex. [CONFIDENTIAL.]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER

To the resolution of the Senate of the 8th instant, in relation to the terms of the authority given to Mr. Trist to draw the three millions of dollars.

March 9, 1848.
Read.

To the Senate of the United States:

In answer to the resolution of the Senate of this date, requesting the President "to inform the Senate of the terms of the authority given to Mr. Trist to draw for the three millions of dollars authorized by the act of the 2d of March, 1847," I communicate herewith a report from the Secretary of State, with the accompanying documents, which contain the information called for.

JAMES K. POLK.

Washington, *March* 8, 1848.

Department of State,
Washington, *March* 8, 1848.

Sir: The Secretary of State, to whom was referred the resolution of the Senate of this date, requesting the President to "inform the Senate of the terms of the authority given to Mr. Trist to draw for the three millions of dollars authorized by the act of the 2d of March, 1847," has the honor to lay before the President the papers specified in the subjoined list, which contain all the information upon the subject of the resolution that can be furnished by this department.

Respectfully submitted,
JAMES BUCHANAN.

To the President of the United States.

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LIST.

Mr. Buchanan to Mr. Walker, 15th April, 1847.
Mr. Walker to Mr. Buchanan, 15th April, 1847.
Mr. Walker to Mr. Trist, 15th April, 1847.
Mr. Buchanan to Mr. Walker, 23d February, 1848.
Mr. Walker to Mr. Buchanan, 23d February, 1848.
Mr. Walker to General Butler, 23d February, 1848.

Mr. Buchanan to Mr. Walker.

DEPARTMENT OF STATE,
Washington, April 15, 1847.

SIR: The President, as you are aware, has appointed Nicholas P. Trist, esquire, commissioner to conclude a treaty of peace with Mexico, who will immediately proceed upon his mission. As it may become necessary for him whilst abroad to draw upon the treasury, in favor of the Mexican government, for the whole or a part of the sum of three millions of dollars appropriated by the act of Congress approved March 3, 1847, entitled "An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," I deem it expedient that he should carry with him some testimonial from yourself, to show that his draft will be honored. I would thank you, therefore, to prepare and transmit to me such a testimonial.

Yours, very respectfully,
JAMES BUCHANAN.

Hon. ROBERT J. WALKER,
Secretary of the Treasury.

Mr. Walker to Mr. Buchanan.

TREASURY DEPARTMENT, *April* 15, 1847.

SIR: I have the honor to acknowledge the receipt of your communication of this date; and, in compliance with your request, the testimonial from this department for Mr. Trist, desired by you, is herewith transmitted.

Yours, very respectfully,
R. J. WALKER,
Secretary of the Treasury.

Hon. JAMES BUCHANAN,
Secretary of State.

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Mr. Walker to Mr. Trist.

TREASURY DEPARTMENT,
Washington city, April 15, 1847.

SIR: In the event of your concluding a treaty of peace and limits with the government of Mexico, in conformity with your instructions of this date from the Hon. James Buchanan, Secretary of State of the United States of America, and the ratification of such treaty by the government of Mexico, you are authorized to draw upon the Secretary of the Treasury of the United States of America for any sum not exceeding three millions of dollars, to be paid under your instructions aforesaid, given in pursuance of the provisions of the act of Congress of the 3d March, 1847, entitled "An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion."

Very respectfully, your obedient servant,

Seal of the Treasury Department.

R. J. WALKER,
Secretary of the Treasury.

NICHOLAS P. TRIST, Esq.,
Commissioner, &c.

Mr. Buchanan to Mr. Walker.

DEPARTMENT OF STATE,
Washington city, February 23, 1848.

SIR: On the 15th April last, upon my request, you furnished Nicholas P. Trist, esquire, the late commissioner to Mexico, an authority to draw upon you for three millions of dollars, in pursuance of the provisions of the act of Congress of 3d March, 1847, entitled "An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion." As Mr. Trist has been recalled from his mission, and consequently his power has ceased to draw any such draft, I respectfully request that you would confer a similar authority upon Major General William O. Butler to draw upon the treasury of the United States for the sum of three millions of dollars, in pursuance of the provisions of said act.

Yours, very respectfully,

JAMES BUCHANAN.

Hon. ROBERT J. WALKER,
Secretary of the Treasury.

Mr. Walker to Mr. Buchanan.

TREASURY DEPARTMENT,
February 23, 1848.

SIR: I have the honor to acknowledge the receipt of your communication of this date; and, in compliance with your request, the

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testimonial from this department for General William O. Butler, desired by you, is herewith transmitted.

Yours, very respectfully,

R. J. WALKER.

Hon. JAMES BUCHANAN,
Secretary of State.

Mr. Walker to General Butler.

TREASURY DEPARTMENT,
Washington City, February 23, 1848.

SIR: Upon the ratification of a treaty of peace by the republic of Mexico, in conformity with the provisions of the act of the Congress of the United States of America, approved March 3, 1847, entitled "An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," you are authorized to draw on this department for any sum not exceeding three millions of dollars, to be paid in pursuance of the provisions of said act.

Very respectfully, your obedient servant,

[L. s.] R. J. WALKER,
Secretary of the Treasury.

To Major General WILLIAM O. BUTLER.

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30th Congress, 1st Session. } Ex. [CONFIDENTIAL.]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

Certain correspondence of N. P. Trist and General Scott, relative to affairs with Mexico, in answer to the resolution of the Senate of the 28th of February, 1848.

FEBRUARY 29, 1848.

Read, and with the documents ordered to be printed in confidence for the use of the Senate.

[CONFIDENTIAL.]

To the Senate of the United States:

In compliance with the resolution of the Senate, passed in "executive session" on yesterday, requesting the President "to communicate to the Senate *in confidence* the entire correspondence between *Mr. Trist* and the Mexican commissioners, from the time of his arrival in Mexico until the time of the negotiation of the treaty submitted to the Senate; and also the entire correspondence between *Mr. Trist* and the Secretary of State, in relation to his negotiations with the Mexican commissioners; also, all the correspondence between *General Scott* and the government, and between *General Scott* and *Mr. Trist*, since the arrival of Mr. Trist in Mexico, which may be in the possession of the government," I transmit herewith the correspondence called for. These documents are very voluminous, and presuming that the Senate desired them in reference to early action on the treaty with Mexico, submitted to the consideration of that body by my message of the 22d instant, the originals of several of the letters of Mr. Trist are herewith communicated, in order to save the time which would necessarily be required to make copies of them. These original letters it is requested may be returned when the Senate shall have no further use for them.

The letters of Mr. Trist to the Secretary of State, and especially such of them as bear date subsequent to the receipt by him of his letter of recall as commissioner, it will be perceived, contain much matter that is impertinent, irrelevant, and highly exceptionable. Four of these letters, bearing date respectively the 29th December,

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1847, January 12, January 22, and January 25, 1848, have been received since the treaty was submitted to the Senate. In the latter, it is stated that the Mexican commissioners who signed the treaty derived "their full powers bearing date on the 30th December, 1847, from the President *ad interim* of the republic, (General Anaya,) constitutionally elected to that office in November by the sovereign constituent Congress" of Mexico. It is impossible that I can approve the conduct of *Mr. Trist* in disobeying the positive orders of his government, contained in the letter recalling him, or do otherwise than condemn much of the matter with which he has chosen to encumber his voluminous correspondence. Though all of his acts, since his recall, might have been disavowed by his government, yet *Mexico* can take no such exception. The treaty which the Mexican commissioners have negotiated with him, with a full knowledge on their part that he had been recalled from his mission *is* binding on Mexico.

Looking at the actual condition of Mexico, and believing that, if the present treaty be rejected, the war will probably be continued, at great expense of life and treasure, for an indefinite period, and considering that the terms, with the exceptions mentioned in my message of the 22d instant, conformed substantially, so far as relates to the main question of boundary, to those authorized by me in April last, I considered it to be my solemn duty to the country, uninfluenced by the exceptionable conduct of Mr. Trist, to submit the treaty to the Senate, with a recommendation that it be ratified with the modifications suggested.

Nothing contained in the letters received from Mr. Trist since it was submitted to the Senate has changed my opinion on the subject.

The resolution also calls for "all the correspondence between General Scott and the government since the arrival of Mr. Trist in Mexico." A portion of that correspondence, relating to Mr. Trist and his mission, accompanies this communication. The remainder of the "correspondence between General Scott and the government" relates mainly, if not exclusively, to military operations. A part of it was communicated to Congress with my annual message, and the whole of it will be sent to the Senate if it shall be desired by that body.

As coming within the purview of the resolution, I also communicate copies of the letters of the Secretary of War to Major General Butler, in reference to Mr. Trist's remaining at the headquarters of the army in the assumed exercise of his powers of commissioner.

JAMES K. POLK.

WASHINGTON, *February* 29, 1848.

DEPARTMENT OF STATE,
Washington, February 29, 1848.

SIR: I herewith transmit to you the originals of all the despatches which have ever been received at the department from Mr. Trist,

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since he was appointed commissioner to Mexico. They were too voluminous to have copies made in any reasonable time. I also transmit you copies of all the despatches which I ever transmitted to Mr. Trist since his appointment, except of those which were submitted by you to the Senate with the treaty, and which have already been printed in confidence. I ought, perhaps, to make another exception of a letter of mine to him, dated on the 21st December last, making an inquiry of him which has not yet been answered, which, until it shall be answered, ought not, in justice to him, to be communicated. That inquiry, as you know, has no relation to the treaty.

Yours, very respectfully,
JAMES BUCHANAN.

To the PRESIDENT of the United States.

Mr. Buchanan to Mr. Trist.

[No. 2.] DEPARTMENT OF STATE,
Washington, June 14, 1847.

SIR: Your despatch of the 21st ultimo, which you have numbered 4, was received on the 3d instant. None of a later date from you has yet come to hand.

The original letter from General Scott to yourself, dated at Jalapa, May 7, 1847, which you have transmitted with your despatch, is certainly of a most extraordinary character. It was well calculated to wound your feelings and excite your indignation. This letter, surely, never would have been written had he awaited your arrival at his headquarters, and read the instructions and the projét of a treaty with Mexico, which you were authorized to communicate to him confidentially. The perusal of these documents must have put to flight the unfounded suspicions in regard to your mission which seem to have preoccupied his mind and influenced his conduct.

You were intrusted with no further agency in regard to my communication of the 15th April last, addressed to the Mexican minister for foreign relations, after it was placed in the hands of General Scott. Your whole duty respecting it was then performed. If he has either refused or neglected to transmit that important document to the minister to whom it was directed, and thus violated a military order of the President, issued to him through the Department of War, he has incurred a heavy responsibility; but for this he is neither answerable to the Department of State nor the commissioner to Mexico. The question belongs exclusively to the military branch of the government.

You might safely have relied upon the government here for the vindication of your character and conduct. Indeed, General Scott's letter to you had, upon its face, placed him so clearly in the wrong, that no commentary upon it, however able, which you may have written, can have made the case plainer. Some days before the

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arrival of your despatch, the War Department had received a despatch from the general enclosing a copy of his letter to you; and a judicious and appropriate answer, dated on the 31st of May, was returned to him by the Secretary of War.

Whilst our armies are in the country of the enemy, and our minister of peace is at the head-quarters of the commanding general, this is no time for personal altercations between them, if these can possibly be avoided. Under such circumstances, the greater the sacrifice of private griefs, however well founded, which you may make upon the altar of your country, the more will this redound to your honor hereafter. You have been despatched to Mexico by your government as a minister of peace; and to accomplish the great object of your mission, a hearty co-operation between the general and yourself may be indispensable. Under these considerations I am directed by the President, in case amicable relations shall not in the meantime have been restored, to instruct you to call upon General Scott and offer to communicate to him, confidentially, the instructions and the projét of a treaty with which you have been intrusted, and to report to this department without delay the circumstances and result of your interview.

Governor Marcy has again written to General Scott by the messenger who will bear you this despatch.

Enclosed I transmit you a copy of the orders issued on the 11th instant, by the President, to the Secretaries of War and of the Navy, upon the report of the Secretary of the Treasury of the day preceding, in relation to the Mexican tariff. From these you will perceive it has been announced to the world that the government intend to provide, by the treaty with Mexico, that goods imported into any of the ports of that country whilst in our military possession, shall be exempt from any new import duty or charge after the conclusion of peace. This will render it necessary for you to insist upon the insertion of the ninth article of the projét of the treaty. Indeed, you may consider this as a sine qua non.

Yours, very respectfully,

JAMES BUCHANAN.

N. P. TRIST, *&c., &c., &c.*

Mr. Buchanan to Mr. Trist.

[No. 3.]

DEPARTMENT OF STATE,
Washington, July 13, 1847.

SIR: A duplicate of your No. 4, dated 21st of May, 1847, together with a copy of the first ten pages of your letter to General Scott of the 9th of May, and of your letter to him of the 20th of May, was received at the department on the 28th ultimo. Your No. 6, of the 3d of June, 1847, was also received on the 29th ultimo; but your No. 5, (if indeed there be such a number) has not yet come to hand. It is much to be regretted that you could not have

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found time to prepare and transmit copies of your letters to General Scott of the 9th and 20th of May, with the original of your despatch, No. 4. In that event they would have been received nearly a month earlier; and even now we have only a part of your letter to him of the 9th of May. General Scott's answer to these letters, dated at Pueblo on the 29th of May, has been received at the War Department, from which I have obtained a copy.

These documents have produced feelings of deep mortification and disappointment in the mind of the President. It is lamentable to reflect that the restoration of peace may have been defeated or delayed by a violent and embittered personal quarrel between two functionaries of the government in the enemy's country, and whilst the war is raging.

You do not seem sufficiently to have reflected that you were entrusted with no power whatever over the disposition of my communication of the 15th of April last, to the Mexican minister for foreign affairs, except that of a mere bearer of despatches. After it had reached the hands of General Scott, your agency in regard to it should have terminated, and ought never to have been resumed. His refusal or omission to forward that communication to the place of its destination, in obedience to the military order of the President through the Secretary of War, was a question in no manner connected with your mission. It was therefore, with regret that the President discovered from your letter to the general of the 20th of May, that you had consented to take back this communication from his possession, and to assume a discretion which had not been delegated, in regard to the appropriate time for forwarding it to the Mexican minister for foreign affairs. You say to the general that, "so soon as I shall be enabled to ascertain that the condition of the government of this country is such as to admit of its delivery, it will be again placed in the hands of the general-in-chief of our forces for that purpose."

You have thus done much to relieve General Scott from the responsibility of disobeying the order communicated to him through the Secretary of War; and have, in effect, without any authority, undertaken to decide that it was not proper, under existing circumstances, to transmit my letter to the Mexican minister for foreign affairs. In this decision the President cannot concur. That letter was an answer to the letter of Mr. Monasterio to myself, dated on the 22d of February last, and was required, not only by courtesy, but the highest public considerations. Its immediate delivery to the Mexican minister for foreign affairs could have done no possible harm, and might have been productive of much positive good. Indeed, had it reached its destination soon after the victory of Cerro Gordo, from the state of public feeling then existing in the city of Mexico, it might and probably would have been productive of the happiest consequences. But, whether or not, the time of its delivery was a question not left to your discretion.

The greatest pains were taken, in framing your instructions, to prevent all possible interference on your part with the appropriate military duties of General Scott. It was partly to convince him of

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this fact that you were authorized to exhibit these instructions to him, together with the projét of the treaty. Your authority, so far as he was concerned, was limited to the single point of giving him notice that the contingency had occurred, to wit, the ratification of the treaty by the Mexican government, "on the happening of which, as provided by the third article, hostilities are required to be suspended." The ratification of such a treaty by Mexico, according to the spirit of the act of Congress of the 3d of March, 1847, "making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," was to be the signal for the termination of hostilities. As the negotiator of the treaty, from his position, must necessarily be first informed of this event, he was required "without delay to communicate the fact to the commanders of our land and naval forces respectively." All the rest was left to the instructions issued by the Secretaries of War and of the Navy to our military and naval commanders. Up to this last moment your duties were wholly unconnected with General Scott, and then they were limited to a mere official communication, that the Mexican government had concluded and ratified a treaty of peace with the United States.

Under these circumstances, it was with deep regret that the President learned, from your letter to the general of the 20th of May, that you had undertaken, in his name, to become the medium of giving to that officer an order in advance, to be executed when you should think proper again to deliver into his hands my communication to the Mexican minister for foreign affairs; and, to enforce obedience to this order, you declare that, for this special purpose, you stand in precisely the same relation to the President that one of his aids-de-camp bears to himself, when entrusted with a verbal order from him to his subordinate officer.

It is a most disagreeable task thus to criticise your conduct. General Scott, by his letter to you of the 7th of May last, had placed himself clearly in the wrong. Whether any pretext existed for writing such a letter—justification he could have had none—can only appear from your letter to him of the 6th of May, to which his was a response. It is therefore much to be regretted that you have kept no copy of this letter, which has now become so important, and the general has not furnished the War Department with a copy.

I purposely forbear to express any opinion of your reply to Gen. Scott of the 9th of May, until I shall have an entire copy of it before me; and his rejoinder to you of the 29th of May, I leave in the hands of the Secretary of War, to whom he is directly responsible.

Your mission was a mere precautionary measure. In the then existing relations between the two countries the President could not have appointed public commissioners to treat with Mexico, because it was morally certain they would not be received. At the same time it was foreseen that in the progress of our arms a favorable juncture might occur for the conclusion of a treaty, which, if not seized at the moment, might not again speedily return. The President would have been inexcusable had he not provided for such

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a contingency. For this purpose you were employed as a confidential agent, to proceed to the head-quarters of the army with the projet of a treaty already prepared; and in case the Mexican government should refuse to conclude this treaty, you were authorized to make the necessary preliminary arrangements for the meeting of commissioners. It was almost essential to the success of your mission, that you should cultivate a good understanding with the commander-in-chief of the army. It was, therefore, unfortunate that you had not in person delivered to him the despatches with which you were entrusted, and at the same time made him fully acquainted with the character and objects of your mission, as well as with the nature of my communication to the Mexican minister of foreign affairs. For these reasons, therefore, although the letter of General Scott was well calculated to irritate your feelings and excite your indignation, you would have best performed your duty to your country had you stifled your resentment, and entrusted your vindication to the Secretary of War, acting under the order of the President. Indeed, for this purpose the letter required no studied reply. It is on its face the production of unfounded jealousy, which the author's own sober reflection, if left to itself, would most probably have corrected.

The President trusts that ere this, in obedience to my instructions of the 14th ultimo, (of which I now transmit you a duplicate,) you have called upon General Scott and communicated to him the instructions and projet of a treaty with which you have been entrusted, and that even if friendly relations have not been restored, neither you nor he will suffer your personal feud to defeat or to delay the conclusion of a treaty of peace with Mexico.

According to the suggestion in your despatch No. 6, you are authorized to modify the boundary contained in your instructions so as to make it read, "up the middle of the Rio Grande to the thirty-second degree of north latitude; thence due west to a point due south of the south-western angle of New Mexico; thence due north to the said angle; thence northward along the western line of New Mexico," &c., &c., &c. This modification, which would embrace the Paso del Norte within the limits of the United States, is deemed important; still you are not to consider it as a *sine qua non*, nor suffer it to delay the conclusion of a treaty.

I would suggest another and more important modification of the line: and this is, to run it along the thirty-second parallel of north latitude, from the Rio Grande to the middle of the gulf of California, and thence down the middle of the gulf to the Pacific ocean; or, if this cannot be obtained, to run it due west from the south-west angle of New Mexico to the middle of the gulf. Either of these lines would include within our limits the whole course of the Gila. From information derived from Major Emory, the valley of that river presents a favorable route for a railroad to the Pacific; but this would sometimes pass on the one side and sometimes on the other of the bed of the stream. For this reason it is deemed important that the whole valley of that river should be included within the boundary of the United States. You are therefore au-

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thorized and instructed to make the first, or, if this cannot be obtained, the second modification above suggested, in the line; but still with the understanding that neither of these two changes is to be considered as a *sine qua non*, nor is it to delay the conclusion of a treaty.

In case Lower California cannot be obtained, then the line might be run on the parallel of thirty-two degrees, or due west from the southwest corner of New Mexico to the Pacific ocean. If the latter line should be adopted, care must be taken that San Miguel shall be included within our limits.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. Trist, Esq., *&c.*, *&c.*, *&c.*

Mr. Buchanan to Mr. Trist.

[No. 4.] Department of State,
Washington, July 19, 1847.

Sir: I enclose you a duplicate of my despatch No. 3, of the 13th instant.

The more I reflect upon the subject, the better am I convinced of the importance of running the boundary line between the Rio Grande and the gulf of California along the thirty-second parallel of north latitude. We cannot learn that the boundaries of New Mexico have ever been authoritatively and specifically determined; and difficulties might hereafter arise between the two governments in ascertaining where the south-western angle of New Mexico is situated. A conversation with Major Emory since the date of my last despatch has convinced me still more of the importance of this modification.

You will, therefore, in the copy of the projét of a treaty which you are instructed to present to the Mexican plenipotentiary, if this be not too late, substitute the following instead of the fourth article:

Article 4.—The boundary line between the two republics shall commence in the gulf of Mexico, three leagues from the land, opposite the mouth of the Rio Grande; from thence up the middle of that river to the thirty-second parallel of north latitude; from thence due west along this parallel of latitude to the middle of the gulf of California; thence down the middle of the same to the Pacific ocean.

It is not intended that you shall make the parallel of 32°, instead of the river Gila, a *sine qua non;* but yet it is deemed of great importance that you should obtain this modification, if it be practicable.

If Lower California cannot be obtained, then the line on the parallel of 32° might be extended to the Pacific ocean; taking care, in that event, to secure to our citizens, in accordance with your original instructions, "in all time to come, a free and uninterrupted

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access to and from the ocean through the gulf of California, from and to their possessions north of the said division line."

Major Emory, whilst in California, has accurately ascertained the latitude of two important points in that country. The latitude of the town of San Diego is 32° 44′ 59″. The harbor is some miles south of the town. The latitude of the mouth of the Gila, where it empties into the Colorado, is 32° 43′.

Your interesting and important despatch, No. 7, of the 13th June, was received at the department on the 15th instant. Although it had not been in the contemplation of the President to invoke the aid of the British minister in Mexico, for the purpose of forwarding my communication to the Mexican minister for foreign affairs, yet the necessity of the case, under all the circumstances, constitutes a sufficient justification for your conduct. Indeed, it does not seem that you had any other mode of transmitting it, after the refusal of General Scott to perform this duty, in obedience to the order of the Secretary of War.

The Secretary of War received last night an extra from the "Republicano," of the date of 28th June, containing the letter of the Mexican minister for foreign affairs to the secretaries of the congress, my letter to that minister, and his answer. Your despatch No. 5, if such an one existed, has not yet reached the department.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. Trist, Esq.

War Department,
Washington, February 29, 1848.

Sir: I herewith transmit to you all the correspondence between Major General Scott and this department which has any relation to Mr. Trist's mission to Mexico as a commissioner, to his proceedings there, and to his recall; and also, three letters to Major General Butler on the same subject.

I have the honor to be, with great respect, your obedient servant,

W. L. MARCY,
Secretary of War.

To the President of the United States.

[confidential.] War Department,
Washington, April 14, 1847.

Sir: The signal successes which have attended our military operations since the commencement of the present war, would seem to justify the expectation that Mexico will be disposed to offer fair terms of accommodation. With a view to a result so desirable, the President has commissioned Nicholas P. Trist, esq., of the State Department, to proceed to your head-quarters, or to the

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squadron, as to him may seem most convenient, and be in readiness to receive any proposals which the enemy may see fit to make for the restoration of peace.

Mr. Trist is clothed with such diplomatic powers as will authorize him to enter into arrangements with the government of Mexico for the suspension of hostilities. Should he make known to you, in writing, that the contingency has occurred in consequence of which the President is willing that further active military operations should cease, you will regard such notice as a direction from the President to suspend them until further orders from the department, unless continued or recommenced by the enemy; but in so doing you will not retire from any place you may occupy, or abstain from any change of position which you may deem necessary to the health or safety of the troops under your command; unless, on consultation with Mr. Trist, a change in the position of your forces should be deemed necessary to the success of the negotiation for peace. Until hostilities, as herein proposed, shall be intermitted, you will continue to carry on your operations with energy, and push your advantages as far as your means will enable you to do.

Mr. Trist is also the bearer of a despatch to the secretary of foreign affairs of the government of Mexico, in reply to one addressed to the Secretary of State here. You will transmit that despatch to the commander of the Mexican forces, with a request that it may be laid before his government, at the same time giving information that Mr. Trist, an officer from our department for foreign affairs, next in rank to its chief, is at your head-quarters, or on board the squadron, as the case may be.

You will afford Mr. Trist all the accommodation and facilities in your power, to enable him to accomplish the objects of his mission.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General WINFIELD SCOTT,
Commanding U. S. Army, Mexico.

P. S.—Should a suspension of hostilities take place, you will lose no time in communicating the fact to Major General Taylor.

[No. 27.] HEAD-QUARTERS OF THE ARMY,
Jalapa, May 7, 1847.

SIR: I have just received from Mr. Trist, chief clerk of the Department of State, a letter dated yesterday, at Vera Cruz, with which he has sent me two from you dated the 12th, and a third the 14th ultimo.

I enclose herewith a copy of my reply to Mr. Trist, and send one of your letters of the 12th—that relating to the custom-houses of Mexico—to Colonel Wilson, commanding at Vera Cruz, with instructions that he send a copy to Colonel Gates, commanding at

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Tampico, in order that your instructions relative to the collection of duties at the two ports may be duly executed.

I am too distant from the coast, and too much occupied with the business of the campaign, to charge myself with the execution of that letter.

I have the honor to remain, sir, with respect, your most obedient servant,

WINFIELD SCOTT.

Hon. W. L. MARCY, *Secretary of War.*

HEAD-QUARTERS OF THE ARMY,
Jalapa, May 7, 1847.

SIR: I have just received your note of yesterday, accompanied by communications to me from the Secretary of War, and one (sealed!) from the Department of State to the minister of foreign affairs of the republic of Mexico.

You are right in doubting whether there be a government, even *de facto*, in this republic. General Santa Anna, the nominal president, has been, until within a day or two, in the neighborhood of Oriziba, organizing bands of rancheros, banditti, or guerillas, to cut off stragglers of this army, and, probably, the very train, all important to us, which you propose to accompany into the interior; the safety of which train has detained me here and caused me a high degree of solicitude. Hence I regret that Colonel Wilson, commanding at Vera Cruz, has allowed himself, a second time, to be persuaded to detach, to bring up despatches, (for your accommodation,) a material portion of the force I had relied upon as the escort of that train. The other detachment to which I allude came up some days ago to escort Lieutenant Semmes, of the navy, duly accredited by Commodore Perry, to the Mexican minister of foreign affairs, to negotiate the exchange of Passed Midshipman Rogers, now a prisoner of war. That matter, also, seems to have been considered too important to be entrusted to my agency!

But, to return to the actual government of Mexico. Señor Anaya is, I believe, president, *ad interim*. But you may have learned that the Congress, after hearing of the affair of Cerro Gordo, passed many violent decrees, breathing war, to the uttermost, against the United States; declaring that the executive has no power, and shall have none, to conclude a treaty, or even an armistice, with the United States, and denouncing as a traitor any Mexican functionary who shall entertain either proposition. I have communicated a copy of those decrees to the War Department, and, until further orders thereupon, or until a change of circumstances, I very much doubt whether I can so far commit the honor of my government as to take any direct agency in forwarding the sealed despatch you have sent me from the Secretary of State of the United States.

On this delicate point, however, you will do as you please; and when, if able, I shall have advanced near to the capital, I may, at

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your instance, lead an escort to your flag of truce; and it may require a large fighting detachment to protect even a flag of truce against the rancheros and banditti who now infest the national road, all the way up to the capital.

I see that the Secretary of War proposes to degrade me, by requiring that I, the commander of this army, shall defer to you, the chief clerk of the Department of State, the question of continuing or discontinuing hostilities.

I beg to say to him and to you, that here, in the heart of a hostile country, from which, after a few weeks, it would be impossible to withdraw this army without a loss, probably, of half its numbers by the *vomito*, which army, from necessity, must soon become a *self-sustaining machine*, cut off from all supplies and reinforcements from home until, perhaps, late in November—not to speak of the bad faith of the government and people of Mexico—I say, in reference to those critical circumstances, this army must take *military* security for its own safety. Hence, the question of an armistice or no armistice is, most peculiarly, a *military* question, appertaining, of necessity, if not of universal right, in the absence of direct instructions, to the commander of the invading forces; consequently, if you are not clothed with military rank over me, as well as with diplomatic functions, I shall demand, under the peculiar circumstances, that, in your negotiations, if the enemy should entertain your overtures, you refer that question to me, and all the securities belonging to it. The safety of this army demands no less, and I am responsible for that safety, until duly superseded or recalled. Indeed, from the nature of the case, if the enemy, on your petition, should be willing to concede an armistice, he would, no doubt, demand the military guaranty of my signature, for his own safety.

Should you, under the exposition of circumstances I have given, visit the moveable head-quarters of this army, I shall receive you with the respect due to a functionary of my government; but whether you would find me here, at Perote, Puebla, or elsewhere, depends on events changeable at every moment.

The sealed despatch from the Department of State I suppose you to desire me to hold until your arrival, or until I shall hear farther from you.

I remain, sir, respectfully, your obedient servant,

WINFIELD SCOTT.

N. P. Trist, Esq., *&c.*, *&c.*, *&c.*

War Department, *May* 31, 1847.

Sir: I have received your letter of the 6th instant, with copies of instructions to Generals Worth and Quitman, and Colonel Wilson. By these I learn that the volunteers whose term of service is limited to twelve months are on their return home. They have been discharged at an earlier period than was anticipated. The additional troops for your column will soon be with it in sufficient num-

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bers to supply, and more than supply, the place of the discharged volunteers.

The reason for a temporary diversion of a part of these troops, of which you complain, has been explained, and I trust in a satisfactory manner, in a former communication from this department.

I am gratified by the intelligence of your extended progress into the enemy's country, and hope that your successful operations will accelerate the conclusion of a peace.

Your course hitherto, in relation to prisoners of war, both men and officers, in discharging them on parole, has been liberal and kind; but whether it ought to be still longer continued, or in some respects changed, has been under the consideration of the President, and he has directed me to communicate to you his views on the subject. He is not unaware of the great embarrassment their detention, or the sending of them to the United States, would occasion; but so far as relates to the officers, he thinks they should be detained until duly exchanged. In that case, it will probably be found expedient to send them, or most of them, to the United States. You will not, therefore, except for special reasons in particular cases, discharge the officers who may be taken prisoners, but detain them with you, or send them to the United States, as you shall deem most expedient.

It is an unpleasant duty to advert, as I feel constrained to do, to your letter of the 7th instant, and more particularly to the copy of one of the same date, therewith enclosed, addressed by you to Mr. Trist. With me it is a matter of sincere regret that a letter of such an extraordinary character was sent to that gentleman; and I cannot doubt it will be no less regretted by yourself on more reflection and better information. Such information you would have received had Mr. Trist delivered in person, as I did not doubt he would, my letter to you of the 14th instant, [ultimo,] with the despatch from the State Department to the Mexican Minister of Foreign Relations. My letter should have secured you from the strange mistake into which you have fallen, by regarding him as the bearer of that despatch to the Mexican government, and yourself called on to aid in transmitting it. Had such been the true state of the case, I cannot perceive that you would have had any just ground of complaint, or any sufficient excuse for withholding the assistance required; but by looking at my letter you will discover your misapprehension. Mr. Trist was the bearer of that despatch to yourself—not to the Mexican government—and when he had delivered it into your hands his agency ceased; he had no discretion or judgment to exercise in regard to sending on or withholding it. This was a matter committed solely to yourself. I refer to the language of my letter, to show the entire correctness of this view of the subject: "You will transmit that despatch to the commander of the Mexican forces, with a request that it may be laid before his government, at the same time giving information that Mr. Trist, an officer from our department for foreign affairs, next in rank to its chief, is at your head-quarters, or on board the squadron, as the case may be." This is a posi-

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tive instruction to yourself to send that despatch forward; and it is expected you will have acted upon it without waiting for the arrival of Mr. Trist at your head-quarters, if thereby any unnecessary delay was likely to result.

If you infer that the succeeding sentence in my letter controlled, or in any manner qualified, the President's order in regard to forwarding that despatch, you have been led into an error. Mr. Trist was directed to exhibit to you not only his instructions, but the projét of a treaty with which he had been furnished by his government. These documents would have fully disclosed to you "the object of his mission," for the accomplishment of which you were requested to afford facilities. None of these objects had relation to the transmission of the despatch in question.

You have marked with a note of admiration the fact that the despatch was *sealed*. True, it was sealed; but the bearer who was charged with the delivery of it to you had a copy; and had he handed that despatch in person to you, as it was expected he would do, he would no doubt have exhibited that copy to your inspection.

A still more serious misconception has seized your mind in regard to an armistice. Before this time it is quite probable you will have read the instructions to the commissioner, whom you see fit to denominate "the chief clerk of the State Department;" and I trust that a knowledge of what they contain has dissipated all your distressing apprehensions of being degraded by me. My letter informed you that Mr. Trist was "clothed with diplomatic powers," and his instructions and the projét of a treaty which he carried with him have ere this apprized you that he is a commissioner, with full power to negotiate a peace. The treaty which he was authorized to conclude contains an article, as you will have perceived, which provides for a suspension of hostilities, but not until the treaty shall have been ratified by the Mexican government. Neither the considerations of humanity, nor sound policy, would justify the continuance of active military operations after a treaty of peace had been concluded and ratified on the part of Mexico, until the information of that fact could be communicated from Mexico to this place, and an order for the suspension of hostilities hence transmitted to the commanding general in that country. It will not be questioned that a commissioner of peace may be properly vested with the power of agreeing to a suspension of hostilities in a definitive treaty, negotiated and already ratified by one party, while waiting the ratification of the other. As the negotiator is the first to know the fact that a treaty has been concluded and so ratified, it is beyond dispute, proper that he should be directed to communicate the knowledge of that fact to the commanding general; and it cannot, in my view of the case, be derogatory to that officer to be placed under instructions to act with reference to that fact, when duly notified of it by the commissioner. The case cannot be made plainer, or your misapprehensions in regard to it more clearly pointed out, than by simply stating it as it must exist, if the contingency should fortunately

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happen on which you will be required to suspend hostilities. A commissioner of peace is sent by the President to your head-quarters, and he makes known to you his authority to receive from Mexico offers for concluding a peace. You are informed, by his instructions and the projét of a treaty which he is required to exhibit to you, that on the conclusion and ratification of a treaty of peace by Mexico, hostilities immediately thereafter are to cease. With all these facts fully made known to you in advance, you are directed by the President to suspend hostilities on receiving written notice from the commissioner that the contingency—the conclusion and ratification of a treaty of peace by Mexico—has happened. Under these circumstances, can you conceive that, as commanding general of the force in Mexico, you have the right to raise a question upon your duty to obey this direction, coming, as it does, through a proper channel, from your superior—the commander-in-chief? In my opinion, you could not have wandered further from the true view of the case, than by supposing that the President or myself has placed you in the condition of deferring "to the chief clerk of the Department of State the question of continuing or discontinuing hostilities." I cannot conceive that any well-founded exception can be taken to the order you have received in relation to suspending hostilities; and I am fully persuaded that if the contingency requiring you to act upon it shall ever occur, you will promptly carry it into full effect.

I am, very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General WINFIELD SCOTT,
Commanding U. S. Army, Mexico.

[No. 28.] HEAD-QUARTERS OF THE ARMY,
Jalapa, May 20, 1847.

SIR: Less than half the train, and less than a third of the supplies, expected up about the 14th instant, at the date of my report No. 26, arrived. The quartermaster at Vera Cruz had over-estimated his number of wagons and animals, and the latter were found too feeble to transport full loads through the heat and sands of the low country. No money came by that train to the quartermaster or commissary, as none had arrived for either, at Vera Cruz, from New Orleans. The paymaster here received about two hundred and eighty thousand dollars—the half of his estimate for January, February, March, and April.

If it be expected, at Washington, as is now apprehended, that this army is to support itself by forced contributions levied upon the country, we may ruin and exasperate the inhabitants, and starve ourselves; for it is certain they would sooner remove or destroy the products of their farms, than allow them to fall into our hands without compensation. Not a ration for man or horse would be brought in, except by the bayonet, which would oblige the troops

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to spread themselves out many leagues to the right and left, in search of subsistence, and to stop all military operations.

Of money, there is but little in any part of the country, except in the hands of foreign miners and merchants, intended for exportation. None has come down as low as Jalapa, since we invested Vera Cruz; but we suppose that at Puebla, and beyond, we shall be able to sell drafts on the United States readily at par, or perhaps at a premium.

I know nothing of the receipts at the custom-houses of Vera Cruz, Tampico, &c. Probably they are but inconsiderable; but, if great, we could not, after this date, and when further advanced, draw upon them for the uses of this army.

Another train of wagons (one hundred and seventy) is just entering this city from Vera Cruz, under the escort of Captain Walker and Ruff's riflemen. If it has a second third of the essential supplies now long waited for—medicines, ammunition, clothing, salt, &c.—I shall advance, having lost the hope of receiving further reinforcements, except some nine hundred recruits for the old regiments of this army, of which we have notice from the adjutant general at Washington. I shall send down, by convalescent officers and men principally belonging to the discharged volunteer regiments, a small train of wagons to meet these recruits, and to be added to any new means of transportation the quartermaster may have at Vera Cruz. When they come up, we shall lose, for months, all connexion with that depot.

I shall leave in garrison here the 1st artillery (five companies) serving as infantry, one troop of horse, the whole of the 2d Pennsylvania, and three companies of the 1st Pennsylvania regiments. Brevet Colonel Childs is designated as the governor and commander of the place.

The garrison of the castle of Perote will continue as at present; a detachment of artillerists to serve the batteries, a troop of horse, and seven companies of the 1st Pennsylvania volunteers; with Colonel Wynkoop, of the latter, as governor and commander.

Worth's and Quitman's divisions entered Puebla the 15th instant. Santa Anna, from Orizaba, preceded them a short time, and has, it is said, taken up a defensive position near Rio Frio, equidistant (14 leagues) from Puebla and the capital, with a force (variously reported) of from two thousand to four thousand men. If he stand, we shall assault him, with confidence, no matter what may be his numbers. The advance at Puebla has instructions, as I have heretofore reported, to wait there for the arrival of the reserve, (Twigg's division,) or until further orders.

I find that the train just in has brought up but a small part of the ammunition needed. Nevertheless, we shall advance without further delay.

I enclose herewith copies, in English and Spanish, of a proclamation I was induced to issue on the 11th instant. It was originally, under my directions, written in Spanish, at the instance of persons of very high standing and influence, some of them of the church, who suggested the topics and sentiments the most likely

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to find a response in the bosoms of the Mexicans, and to promote the cause of justice, moderation, and peace. To the cast of the proclamation I saw no American objection. Its effects, as far as we have heard, are very favorable; but the express (a Mexican) engaged by the deputation to take the printed copies to the capital was intercepted near Puebla.

Mr. Trist arrived here on the 14th instant. He has not done me the honor to call upon me. Possibly he has thought the compliment of a first visit was due to him! I learn that he is writing a reply to my answer to him dated the 7th instant. A copy of that answer I enclosed to you the moment it was written. It is not probable that I shall find leisure to read his reply, much less to give a rejoinder.

When I wrote to you and Mr. Trist late in the night of the 7th instant, to go down by a detachment of horse that I was obliged to despatch early the next morning, I had not time to defend the position you had forced me to assume; I shall now but glance at that position. The Hon. Mr. Benton has publicly declared, that if the law had passed making him general-in-chief of the United States armies in Mexico, either as lieutenant general or as junior major general over seniors, the power would have been given him not only of agreeing to an armistice, (which would, of course, have appertained to his position,) but the much higher power of concluding a treaty of peace; and it will be remembered, also, that in my letter to Major General Taylor, dated June 12, 1846, written at your instance, and, as I understood at the time, approved by the cabinet, his power to agree to an armistice was merely adverted to in order to place upon it certain limitations. I understand your letter to me of the 14th ultimo as not only taking from me, the commander of an army under the most critical circumstances, all voice or advice in agreeing to a truce with the enemy, but as an attempt to place me under the military command of Mr. Trist; for you tell me that "should he make known to you, in writing, that the contingency has occurred in consequence of which the President is willing that further active military operations should cease, you will regard such notice as a direction from the President to suspend them until further orders from this department."

That is, I am required to respect the judgment of Mr. Trist here on passing events, purely military, as the judgment of the President, who is some two thousand miles off!

I suppose this is to be the second attempt of the kind ever made to dishonor a general-in-chief in the field, before or since the time of the French convention.

That other instance occurred in your absence from Washington, in June, 1845, when Mr. Bancroft, acting Secretary of War, instructed General Taylor in certain matters to obey the orders of Mr. Donaldson, chargé d'affaires in Texas; and you may remember the letter that I wrote to General Taylor, with the permission of both Mr. Bancroft and yourself, to correct that blunder.

The letter may be found on record in my office at Washington.

Whenever it may be the pleasure of the President to instruct me

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directly, or through any authorised channel, to propose or to agree to an armistice with the enemy, on the happening of any given contingency or contingencies, or to do any other military act, I shall most promptly and cheerfully obey him; but I entreat to be spared the personal dishonor of being again required to obey the orders of the chief clerk of the State Department as the orders of the constitutional commander-in-chief of the army and navy of the United States.

To Mr. Trist, as a functionary of my government, I have caused to be shown, since his arrival here, every proper attention. I sent the chief quartermaster and an aid-de-camp to show him the rooms I had ordered for him. I have caused him to be tendered a sentinel to be placed at his door and to receive his orders. I shall from time to time send him word of my personal movements, and I shall continue to show him all other attentions necessary to the discharge of any diplomatic functions with which he may be entrusted.

I have the honor to remain, very respectfully, your most obedient servant,

WINFIELD SCOTT.

Hon W. L. Marcy,
Secretary of War.

P. S. May 21.—I put under cover portions of an unofficial letter just received from Major General Worth.

They are highly interesting. But one company, mounted, under Captain Wheat, was re-enlisted (for the war,) out of the whole of the old volunteers. It has just arrived from Vera Cruz.

The reserve will positively advance to-morrow. The deficiency in supplies from Vera Cruz has resulted not so much from the want of wagons and animals there, as from the want of drivers and conductors. Some 400 old volunteers engaged here for the wagons and pack mules broke off at Vera Cruz, and embarked with their respective companies.

W. S.

War Department, *June* 15, 1847.

Sir: I have received your letter of the 20th of May, and regret to learn that you have been disappointed in your expectations in regard to receiving supplies and munitions from the depot at Vera Cruz. This disappointment was caused, as appears by the last paragraph in that letter, by the failure of the arrangement made with persons who engaged to accompany the train as teamsters.

I have received and laid before the President the copy of your proclamation to the Mexican nation of the 11th of May. The considerations you have presented to the people of Mexico as inducements to them to wish for peace, and to concur in measures for the accomplishment of that desirable object, are well selected and ably enforced. As it could not have been your design to enter into a full discussion of the causes which led to the war, it is not to be taken as an authoritative exposition of the views of the Executive

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in this respect, but he regards it as a document containing "topics and sentiments the most likely to find a response in the bosoms of the Mexicans, and to promote the cause of justice, moderation, and peace." Such were properly the scope and end of the proclamation, and most ably have they been carried out.

You again advert to the subject presented in your letter of the 7th ultimo to Mr. Trist, and appear still to be laboring under an unaccountable misconception in regard to it. My letter of the 31st of May (a copy of which I herewith transmit) presents this matter in its true light. It will show you how far you have misled yourself, and how causelessly you have indulged in complaints, better characterized as reproofs, against the President and this department.

The President would not have deemed it proper that I should advert again to this subject, but for the apprehension he has that your course may obstruct the measures he has taken to procure a peace. It does not appear, from any communication made by you to this department, that you have executed or attempted to execute the order which you have received to forward the despatch from the Secretary of State addressed to the Mexican secretary of foreign affairs. The President is, however, unwilling to believe that you have not done your duty in this respect. If it has not been sent, he presumes that you have not been able to send it, and that you will, in due time, explain the causes which compelled you to detain it.

My letter, taken by itself, neither sustains nor excuses such an interpretation as you have given to it; and, taken in connexion with the facts which Mr. Trist was directed to communicate to you, and which it was expected would have been communicated with that letter, shows how idle it is to imagine that there was any attempt to place you "under the military command of Mr. Trist," or that you were "required to respect the judgment of Mr. Trist here (in Mexico) on passing events purely military, as the judgment of the President, who is some two thousand miles off." The respect due to yourself as well as that due to the President, who had placed you in chief command of our armies in Mexico, should have made you extremely reluctant to adopt such a conclusion, even on adequate proof of the fact; and to me it seems, as I am sure it will appear to others, strange indeed that you have been able to extract any such inference from my letter. You and Mr. Trist are both functionaries of the government of the United States, with important public interests confided to each in his respective sphere of action; cordial co-operation was expected; duty imposed it; the public good, the cause of humanity, demanded it. If there has been a failure in this respect—and from the tenor of your despatch the President fears that there has been—a high responsibility rests somewhere.

In relation to the direction of an armistice, or the suspension of hostilities, the President, after duly considering all you have said on the subject, does not doubt that it was an order proper and right for him to give, and consequently one which you were bound to obey. He sincerely regrets your strange misapprehension of it;

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and he is wholly unable to conceive how you can reconcile with duty and subordination the making of it a topic of remark, I may say of incidental reproof of your common superior, in an official communication to a subordinate officer in another branch of the public service.

The information recently received here has caused a painful apprehension that Colonel Sours, who was bearer of despatches from this department to you, was murdered between Vera Cruz and Jalapa. I herewith send copies of the communications from this department which were entrusted to him.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General W. Scott,
Commanding U. S. A. in Mexico.

N. B.—The following is an extract from a copy of an official letter purporting to have been written by you to Lieutenant Semmes, of the navy, dated head-quarters, Jalapa, May 9, 1847.

[Extract.]

"But there is at hand another functionary, who, under very recent instructions from the President of the United States, may perhaps claim to supersede me in the business of exchanging prisoners of war, as in other military arrangements. Mr. Trist, chief clerk of the Department of State, appointed minister or commissioner to Mexico, has arrived at Vera Cruz, and may be at this place with the train expected up in a few days. Perhaps you had better refer the business of your commission to him. I only make the suggestion."

[No. 29.] Head-quarters of the Army,
Puebla, June 4, 1847.

Sir: I arrived here, with four troops of horse, on the 28th ult. Twigg's division came up the next day.

I enclose herewith a copy of Brevet Major General Worth's report, dated the 15th ultimo, (the original was intercepted by the enemy,) of an affair he had with General Santa Anna at Amosoque, some eight miles from this place.

The effective strength of this army has been surprisingly reduced. Besides the discharge of seven regiments and two independent companies of old volunteers, we had to leave in hospital about 1,000 men at Vera Cruz, as many sick and wounded at Jalapa, and 200 sick at Perote. Here we have on the sick report 1,017. Not a corps has made a forced march except in the pursuit after the battle of Cerro Gordo, and every possible attention has been given to the health of the troops. The general sickness may be attributed to several causes: 1. The great contrast in climates

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above and below Cerro Gordo; 2. The insufficiency of clothing, but little having arrived when the army marched from Vera Cruz; and, 3. The want of salt meats, the troops not having had any oftener than one day in nine since we reached the elevated country, as our insufficient means of transportation allowed us to bring up only small quantities of bacon and no mess pork. The prevailing diseases have been chills and fevers, and diarrhœa.

Making the further deductions of the killed and wounded, the garrisons of Vera Cruz, Jalapa and Perote, and we have here but 5,820 effective non-commissioned officers, artificers, musicians and privates; a force evidently insufficient to garrison this large open city, and to march upon the capital, where, or near it, we may probably have to beat an indifferent army of from 12,000 to 25,000 men. This we could do with 4,000, but at a loss, probably, of one-fourth of our numbers; whereas with 8,000, our loss would not exceed some 300.

Not having heard of the approach of reinforcements from any quarter—not even of the 960 recruits for the old regiments, who were to embark at New York, and Newport, Kentucky—I have at length determined to abandon Jalapa, and to bring up to the head of the army the garrison of that city, with a part of the garrison of Perote, in order to be in a better condition to advance upon and to occupy the capital. See, herewith, my instructions of yesterday to Colonel Childs, the governor and commander of Jalapa.

It is ascertained that any sick or wounded men left in the road, or in small villages, would be certainly murdered by guerilla parties, rancheros, or banditti, and I am not absolutely certain that threats of punishment will render our hospitals safe, even in large cities. The want of reinforcements long promised and expected has driven me to this painful experiment.

The delay here until about the 22d instant may, however, be compensated by one important advantage. General Santa Anna has renounced the presidency; (see his printed letter herewith.) It is understood that a new government will be installed on the 15th instant, and there is good ground to hope under Herrera or Trias, both supposed to be desirous of peace with the United States. If we were previously to occupy the capital, the friends of peace (most of the leaders of the party belong to the capital) would be dispersed; or if they remained and organized under our colors, their government would be denounced and decried as set up by their army, and lose all credit and weight with the Mexican people.

We are still much embarrassed by the want of money. But little can be obtained on drafts this side of the capital; and we have not heard of the arrival of a dollar at Vera Cruz for this army. The attempt to subsist it by living at free quarters, or on forced contributions, would be the end of military operations.

I take the liberty to enclose a copy of my rejoinder to Mr. Trist. No doubt he has forwarded a copy of his most extraordinary epistle to me. To have such a flank battery planted against me, amidst critical military operations, is a great annoyance.

Considering the many cruel disappointments and mortifications I

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have been made to feel since I left Washington, or the total want of support and sympathy on the part of the War Department which I have so long experienced, I beg to be recalled from this army the moment that it may be safe for any person to embark at Vera Cruz, which I suppose will be early in November. Probably all field operations will be over long before that time.

I have the honor to remain, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

Hon Wm. L. Marcy,
Secretary of War.

War Department,
Washington, July 12, 1847.

Sir: Since my letters of the 31st of May and 14th [15th] of June, pointing out your entire misapprehension in regard to the mission of Mr. Trist, so far as it was assumed by you to be an interference with your military command, a part of his communications to you, as well as your letter to him of the 29th of May, has been received. This correspondence discloses a state of things between yourself and him most deeply regretted, as it is much to be feared that your personal relations are such as may compromise the most important national interests.

My previous letters on this subject, if received, must have convinced you of the groundlessness of your suspicions and the precipitancy of your conduct in this whole affair. You cannot fail to perceive that, so far from having cause to complain and indulge in disrespectful reproaches against your government on account of this mission, the utmost care was taken to secure to you all the rights and authority of your command, and to yield to all the pretensions you could properly set up as in anywise belonging to it.

Regarding, as the President feels compelled to do, your course in this matter as the result of an entire mistake as to the powers and duty of Mr. Trist, he regrets to perceive that the conduct of Mr. T., on the other hand, has not been free from error.

No two agents of the government could have been charged with duties more distinct and non-conflicting—duties less likely to bring on personal collision, where any sort of communication was required. To you was intrusted the conduct of military operations—to him the business of negotiating a peace, if a favorable opportunity should occur. Only a very limited official intercourse between you and him was required, and that was of such a character as to preclude, as it was supposed, the possibility of any misunderstanding. He was required, in the first place, to deliver to you a despatch from your government to the minister of foreign relations of Mexico. When thus delivered, all his agency in regard to it was ended. It was committed to you to be forwarded: not even the President's order to you to send it forward was communicated through him, but through this

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department. To this course the most overwrought sensitiveness could not properly take the slightest exception. Your false alarm in regard to the power of the commissioner, and the misstep consequently taken—the first in the series of blunders—led him to interfere, in an unauthorized and improper manner, with an affair exclusively your own—the transmission of that despatch to the Mexican authorities. From this department Mr. Trist had no instructions whatever, and I am well assured that he had none from the President or the State Department, relative to this despatch, beyond the simple direction to place it in your hands. Whatever he may have done further than barely delivering it to you, was unauthorized. In undertaking, as he appears to have done in his letter to you of the 20th of May, to be the medium through which orders to you were to be transmitted, he has assumed authority not conferred on him, and the act is disavowed and disapproved by the President. He had no authority to give you any order whatever. The only orders from your government to you, relating to this subject, were issued through this department, and are contained in my despatches of the 14th of April, and these orders the President confidently expected you to execute. It is proper that I should say, in concluding my remarks on this point, that the President trusts that you have discovered your mistake in returning the despatch to Mr. Trist; that you have withdrawn it from him and executed the order to forward it from this department to the Mexican authorities. Should you receive from these authorities an intimation of a willingness to enter upon negotiations, you will, as a matter of course, apprize Mr. Trist of that fact, and do what may be deemed proper to facilitate the conclusion of a peace.

It is not expected that you still continue under your first strange delusion as to Mr. Trist's instructions to interfere in any manner with your military operations. My previous letters, and the extract furnished you from those instructions, must have put to flight all your misconceptions on that subject. The utmost extent of the commissioner's authority bearing on this point, was to give you written notice of the happening of a contingency on which a suspension of hostilities was to follow: not by Mr. Trist's order—not by an order communicated through him—but by the order of the President, your superior officer, conveyed to you directly by the Secretary of War.

This suspension of hostilities was not, as you saw fit to assume, to be a preliminary to, but to result from, negotiations conducted to a successful issue. Your course on receiving the first communication from Mr. Trist shut you out, for a time at least, from the information which would have secured you from the false position in which you so precipitately placed yourself. You would have learned from Mr. Trist, if an interview with him had not been obstructed, that the contingency referred to in my letter was a distinct event—not an undefined condition of things to be determined by discretion: it was a certain fact—the actual ratification of a definitive treaty of peace by the Mexican government, containing in one of its articles a stipulation for the suspension of hostilities to

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follow immediately such ratification; and it should not be forgotten that it was the intention and expectation of your government that you should be as well acquainted with what constituted that contingency as the commissioner himself, before you could be required to act in reference to it; for Mr. Trist was authorized, on arriving at your head-quarters, to show you his instructions and the projét of the treaty he was empowered to make. Had you been less impetuous in taking umbrage at the course pursued in this matter, and less inclined to conclude, without the least warrant for it, that your government intended disrespect to you, or was unmindful of what was due to the safety of the gallant army under your command, the dearest interests of the nation would not have been exposed to receive detriment from an ill-tempered personal altercation between two high functionaries, intrusted with important public concerns in a foreign country.

As past errors must have been discovered, the President expects that false steps on both sides have been retraced and that you and Mr. Trist are now co-operating, so far as co operation is required, in your respective spheres of duty, to bring the war to a successful close by an honorable peace.

Your letter from Puebla, of the 4th of June, has been received and laid before the President. Considering that you had claimed, as a matter of right due to your superior rank, to be placed at the head of our armies in the field, in a state of actual war, and had earnestly besought that position as a matter of favor, the President was not a little surprised that, after so brief a period of service, you should ask to be recalled. The grounds put forth for this change of purpose have not probably had with him the influence you expected. They are of such an extraordinary character as to claim a passing notice. Of "the many cruel disappointments and mortifications I (you) have been made to feel since I (you) left Washington," you have omitted to specify a single one, and whether they are real or imaginary is left in great uncertainty. The sending of Mr. Trist to Mexico as a commissioner of peace, and the suspicion you cherished that you had been degraded by his being clothed with military authority to interfere with your rightful command, are probably prominent among these "cruel disappointments and mortifications." The exposition which has been made of that case, shows the lamentable extent to which error may prevail in personal matters when prejudice and suspicion pre-occupy the mind. Should your other undisclosed "cruel disappointments and mortifications" be of a like unsubstantial character, as it is presumed they are, you may well conclude that they constitute no sufficient motive with the President to grant the indulgence you ask.

I am unwilling to believe that the grave charge, that you have experienced so long "the total want of support and sympathy on the part of the War Department," was thrown in as a provocative to insure success to your application, and I certainly cannot concede that it rests on the slightest foundation of fact. In view of the vast diversity of human character, I ought not, perhaps, to be

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surprised at any extravagance of self-delusion, yet I should be so in this instance if this is to be regarded as a well-considered allegation, reflecting the settled convictions of your mind. That it indicated the true state of your feelings at the moment it was written, I will not question; but that it is at all just towards the War Department, I must most positively deny. It is an assertion unaccompanied by facts to support it; it relates to a matter in regard to which my information must be at least as full and accurate as your own; and I feel bound, by the most solemn convictions of truth, to say that you are mistaken in the entire length and breadth of the allegation. That you have been disappointed in some of the arrangements made here, as you have in some of your own which did not depend upon the action of the War Department, is undoubtedly true; but such disappointments do not warrant or sustain the charge you have made—they do not even show that you have not had all the support from this department which was within its competence to give. The department cannot, by the mere fiat of its will, call into instant existence the means it may require, and place them where they are needed. Human agency cannot control the elements so as to make them subservient to its wishes, or to prevent them from sometimes frustrating its best concerted plans. In conducting a war such as that in which we are now engaged, the scene of operations, as you well know, is of the widest range; the machinery necessarily of vast extent and complexity; the agencies exceedingly numerous and dispersed over vast regions. That all this complication of means and agencies should respond with promptness and punctuality, in every instance, to any directing will, cannot be reasonably expected; that one failure, whether by accident, necessity, or negligence, should involve others, is inevitable; and that unforeseen disappointments should occasionally happen in working out results, should surprise no man who takes a sensible view of human affairs. That the War Department has not realized all that may have been expected in its arrangements, may be safely admitted, without laying itself open to the charge of having failed to act with energy and effect, or of having neglected any one of its essential duties, or to the still more unfounded and reckless charge of having failed to afford any support whatever to the general at the head of our armies in the field. The War Department, most deeply interested as it is in carrying the war to a successful issue, could have no motive—and by any other than a mind strangely deluded, it could not be suspected of having any motive—to do less than its utmost to insure triumph and glory to our arms; and to a charge of failure of duty in this respect, unaccompanied with any specification, it will only oppose, in its vindication on this occasion, its anxious, incessant, and strenuous efforts, zealously devoted to the conduct of the war. Regarding the inducements you have assigned for begging to be recalled as deserving to have very little influence on the question, it will be decided by the President with exclusive reference to the public good. When that shall render it proper, in his opinion, to withdraw you from your present

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command, his determination to do so will be made known to you.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General WINFIELD SCOTT,
Commanding U. S. Army, Mexico.

[No. 30.]

HEAD-QUARTERS OF THE ARMY,
Puebla, July 25, 1847.

SIR: My last report was dated the 4th ultimo, from this place, enclosing a copy of my instructions (June 3) to Colonel Childs, ordering up the garrison of Jalapa, and a copy of a letter from me to Mr. Trist, of May 29.

Although daily in expectation of something of special interest to communicate, nothing has occurred of that character save a happy change in my relations, both official and private, with Mr. Trist. Since about the 26th ultimo, our intercourse has been frequent and cordial; and I have found him able, discreet, courteous, and amiable. At home, it so chanced that we had the slightest possible acquaintance with each other. Hence more or less of reciprocal prejudice, and of the existence of his feelings towards me, I knew, (by private letters,) before we met, that at least a part of the cabinet had a full intimation.

Still the pronounced misunderstanding between Mr. Trist and myself could not have occurred but for other circumstances: 1st, his being obliged to send forward your letter of April 14th, instead of delivering it in person, with the explanatory papers which he desired to communicate; 2. His bad health in May and June, which, I am happy to say, has now become good; and, 3. The extreme mystification into which your letter, and particularly an interlineation, unavoidably threw me.

So far as I am concerned, I am perfectly willing that all I have heretofore written to the department about Mr. Trist should be suppressed. I make this declaration as due to my present esteem for that gentleman; but ask no favor, and desire none, at the hands of the department. Justice to myself, however, tardy, I shall take care to have done.

Since my acknowledgment of May 7, (report No. 27,) I have had but two letters from you, dated, respectively, April 30 and May 31; received here, in the order of their date, June 6 and July 7. The duplicate of the former, borne by a special messenger from Washington, had been previously, by his imprudence, captured below Cerro Gordo, and published, with other letters found on his person, in the papers of the Mexican government.

I do not acknowledge the justice of either of your rebukes contained in the letter of May 31; and that I do not here triumphantly vindicate myself is not from the want of will, means, or ability, but *time*.

The first letter (dated February 22) received from you, at Vera

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Cruz, contained a censure; and I am now rebuked for the unavoidable—nay *wise*, if it had not been unavoidable—release, on parole, of the prisoners taken at Cerro Gordo—even before one word of commendation from government has reached this army on account of its gallant conduct in the capture of those prisoners. So, in regular progression, I may—should the same army gallantly bear me into the city of Mexico in the next seven or eight weeks, which is probable, if we are not arrested by a peace or a truce—look to be dismissed from the service of my country. You will perceive that I am aware (as I have long been) of the dangers which hang over me at home; but I, too, am a citizen of the United States, and well know the obligations imposed under all circumstances by an enlightened patriotism.

Having, June 3, lost all hope of being joined by other troops than the nine hundred and odd men belonging to the old regiments of this army, and of whose approach I had had notice from the adjutant general, I ordered up Colonel Childs, with the garrison from Jalapa; but instructed him to await for that body, and any other (I was thinking only of some other party of recruits) he might chance to hear of. He waited, first, for Colonel McIntosh; next for Brigadier General Cadwalader; who, in turn, heard of, and waited for, Major General Pillow. The latter arrived here, with all those detachments, the 8th instant. But, in the meantime, I had heard that Brigadier General Pierce had reached Vera Cruz on the 28th June, and was to take up his line of march, at the latest, the 3d instant. Consequently, I expected him here, with much confidence, by the 17th, but the day before, I learned, with great disappointment, that the want of transportation and an accident would detain him at Vera Cruz till the 16th. Of course I cannot now look for him before the end of this month. I shall be obliged to wait his certain and near approach; 1st, because we need the strong reinforcement he will bring up; and, 2d, the money supposed to be with him is indispensable.

In respect to money, I beg again to report that the chief commissary (Captain Grayson) of this army has not received a dollar from the United States since we landed at Vera Cruz, March 9. He now owes more than $200,000, and is obliged to purchase on credit, at great disadvantages. The chief quartermaster (Captain Irwin) has received, perhaps, $60,000, and labors under like incumbrances. Both have sold drafts, to small amounts, and borrowed largely of the pay department, which has received about half the money estimated for. Consequently, the troops have some four months' pay due them. Our poverty, or the neglect of the disbursing departments at home, has been made known, to our shame, in the papers of the capital here, through a letter from Lieutenant Colonel Hunt, that was found on the person of the special messenger from Washington.

The army is also suffering greatly from the want of necessary clothing, including blankets and great coats. The new troops, (those who have last arrived,) as destitute as the others, were first told that they would find abundant supplies at New Orleans; next, at Vera Cruz, and, finally, here; whereas we now have,

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perhaps, a thousand hands engaged in making shoes and (out of bad materials and at high cost) pantaloons. These articles, about 3,000 pairs of each, are absolutely necessary to cover the nakedness of the troops.

February 28, off Lobos, I wrote to Brigadier General Brooke to direct the quartermaster at New Orleans to send to me large supplies of clothing. March 16, (23,) General Brooke replied that the quartermaster at New Orleans had "neither clothing nor shoes," and that he was "fearful that unless they have been sent out to you direct, you will be much disappointed."

Some small quantity of clothing, perhaps one-fifth of our wants, came to Vera Cruz from some quarter, and followed us to Jalapa and this place.

May 30, the number of sick here was 1,017; of effectives, 5,820. Since the arrival of Major General Pillow, we have, effectives, (rank and file,) 8,061; sick, 2,215, besides 87 officers under the latter head. The arrival of Brigadier General Pierce may add about 25 per cent. to our effective strength, and I hope to advance, after leaving a competent garrison here, at the head of 9,500 men. The enemy in the capital may amount to some thirty odd thousand, including good, bad and indifferent. The health of our troops has been improving since the 20th instant.

I have been obliged to detain Major General Quitman here in the command of the volunteer division, not only on account of his very valuable services with that corps, but because I cannot send him in safety and with honor either direct to Saltillo, or via Vera Cruz, without a heavy detachment of troops, which would be of itself quite a military operation. Brigadier General Shields commands a brigade in that division.

I have large masses of papers, some of them of considerable interest, to forward; but the messenger about to depart can only take two or three letters in a small compass. Mr. Trist writes by him, and to his report I beg to refer for his prospects of opening negotiations.

I have no news from Major General Taylor later than May 23, and none of the approach of additional troops.

I have the honor to remain, with high respect, sir, your most obedient servant,

WINFIELD SCOTT.

Hon. W. L. Marcy,
Secretary of War.

Endorsement.

[Placed, sealed, in the hands of Mr. Trist, the night of its date, to go by a private express, frequently before employed by him, (Mr. T.;) the express rider never before, as far as was known, having failed to deliver letters as he was directed.

WINFIELD SCOTT.

Mexico, *November*, 1847.]

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WAR DEPARTMENT,
Washington, October 6, 1847.

SIR: No official despatch has been received from you at this department of a later date than that of the 4th of June, though we are not without authentic information of your operations to the 20th of August, and of the signal victories obtained by you and the gallant army under your command, on that and the preceding day.

Accounts upon which reliance is placed have recently reached us that the negotiations for peace have terminated unsuccessfully, and that hostilities re-commenced on the 8th or 9th ultimo. We have also the gratifying intelligence that you have succeeded in capturing the city of Mexico; and are waiting with deep anxiety for the particulars of your operations up to and including that important event.

The terms insisted on by Mexico, on which only she will consent to conclude a peace, (which also have been received here,) are so extravagant and inadmissible that there is no alternative left but to prosecute the war.

It is quite evident that the authorities of Mexico would not present and insist upon, as a basis for peace, terms which could not be entertained for a moment by us without national dishonor, were they not encouraged to continue the war by that portion of the population, as well as others, upon which the burdens of the war ought to fall, and upon which, in the further prosecution of it, they must be made to fall, as the only means now left of bringing it to a close. We have hitherto been far more forbearing than is customary in exercising the extreme and even some of the ordinary rights of belligerents. It is now evident that our leniency has not been appreciated, nor reciprocated, but, on the contrary, has been repaid with bad faith and barbarity; and is only met by a blind obstinacy, and a reckless determination to prolong the conflict.

However unwilling we may be to modify our humane policy, a change now seems to be required even by the considerations of humanity. We must take the best measures within the clearly admitted course of civilized warfare, to beget a disposition in the people of Mexico to come to an adjustment upon fair and honorable terms. It should be borne in mind that the people of Mexico, indulging, as it is evident they do, the most hostile feelings, are not less parties to the war than the Mexican army; and as a means of peace, they must be made to feel its evils.

The guerilla system which has been resorted to is hardly recognized as a legitimate mode of warfare, and should be met with the utmost allowable severity. Not only those embodied for the purpose of carrying out that system, but those who at any time have been engaged in it, or who have sustained, sheltered and protected them, are much less entitled to favorable consideration than the soldiers in the ranks of the regular Mexican army. They should be seized and held as prisoners of war, and sent to the United States if it is not convenient to hold them. Their haunts and places of

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rendezvous should be broken up and destroyed. Those implicated in the murder of non-combatants, or in robbery and plunder, should be subjected to a severer treatment. Independent of restraints, &c., upon their persons, all their property and effects within our reach should be unhesitatingly seized and devoted to public use. In relation to other prisoners and officers, I refer you to my despatch of May 31. I herewith send you an extract from it relating to that subject.

Permit me to invite your attention to the despatch from this department of the 1st ultimo, (a copy of which is herewith sent,) and urge the suggestions therein contained upon your particular consideration. The burden of sustaining our forces in Mexico must be thrown, to the utmost extent, upon the people of that country—its resources should be resorted to in every manner consistent with the usages of civilized war, for that purpose; and it is hoped that your situation is such as will warrant you in making this resort, at least to the extent required for the support of our army. The men of means who have willingly contributed aid to support the Mexican army, should be forced to contribute to the support of ours.

Without a particular knowledge of your situation, of the available force you now have at your command, or of the resistance the enemy are still capable of making, nothing more than suggestions, in regard to your future proceedings, will be submitted for your consideration. I need not urge upon you the adoption of all measures necessary for holding the city of Mexico, and the principal places between that city and Vera Cruz. To open and keep open the way between these two cities would seem to be required for holding securely what is already conquered, and for future operations. For this purpose a considerable increase of your force, it is presumed, will be indispensable. Additional troops are now on the way to join your column. A force of about 3,000 men, besides Colonel Hays's mounted volunteers, has been sent from General Taylor's command, and we are advised that about 1,800 of these are now *en route* between Vera Cruz and your head-quarters, (if they have not already reached there,) under the command of Brigadier General Lane. A large number under General Cushing will soon follow. One new regiment of Ohio volunteers is now *en route*, and five more are nearly organized, and will be sent forthwith to Vera Cruz, with orders to join you. There is also a considerable volunteer force which was called out, many months since, and had been slow in organizing, now on its way to your column. The adjutant general's estimate herewith of the total number of these troops, and other detachments, make the aggregate force *en route* under orders, and being mustered into service, about 15,000, since General Pierce's advance from Vera Cruz on the 14th July. How far this amount of force will be reduced by casualties before it reaches you, cannot be estimated. With this augmentation of strength it is hoped that you will be able to accomplish not only the objects before indicated, (should you deem them preferable to others,) but to carry on further aggressive operations; to achieve new conquests; to disperse the remaining army of the enemy in

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your vicinity, and prevent the organization of another. Left as you are to your own judgment as to your military operations, the fullest confidence is entertained that you will conduct them in the most effective way to bring about the main and ultimate object of the war: namely, to induce the rulers and people of Mexico to desire and consent to such terms of peace as we have a right to ask and expect.

The views of the government in relation to propositions and negotiations for concluding a peace, are disclosed in a despatch from the Department of State to Mr. Trist, a copy of which accompanies this communication. By it you will perceive that he is recalled. You will embrace a proper occasion to notify the Mexican authorities of this fact.

Should they offer through you terms of accommodation, or propose to enter on negotiations, the President directs that such propositions be forwarded without delay to him; but it is not expected that your movements or measures for carrying on hostilities will be thereby relaxed, or in anywise changed.

I have the honor to be, very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General WINFIELD SCOTT,
Commanding U. S. Army, Mexico.

[No. 36.] HEAD-QUARTERS OF THE ARMY,
Mexico, November 27, 1847.

SIR: Since the letter recalling Mr. Trist was received, we have certain information that the Mexican government had, about the same time, appointed commissioners to meet him for negotiating the terms of a peace; and, if we had a commission here to receive them, it is believed that a satisfactory treaty might soon be agreed upon between the two belligerents. Those commissioners are understood to be now in this city, but they have not called on me or submitted to me any proposition whatever, although the government at Queretaro has been informed that I shall at all times be ready to send home any communication, looking to a renewal of negotiations, from that government. It is doubtful, however, I learn indirectly, whether the Mexican government, or its commissioners, will adopt that course.

I have now been waiting with anxiety, for nearly a month, the arrival of the reinforcements with Major General Patterson, and others, coming up from Vera Cruz. That general, in an official report dated the 10th instant, informs me that he had halted with some 2,600 men "for duty," at Jalapa; had sent his wagons back to the seaport, and expected to renew his march, in this direction, about the 20th instant. He had received my instructions of the 13th and 28th ultimo, (others await him at Puebla,) directing the regarrisoning of Jalapa with some 1,200 men, and the establishment

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of at least two new posts between that city and Vera Cruz. The latter he had established at the bridge over the San Juan, and at the national bridge; but whether the 2,600 men "for duty" be a surplus over and above the new garrison at Jalapa, the report does not inform me. The instructions waiting at Puebla direct that another new post of from 400 to 500 men shall be established at Rio Frio, on the national road, about 36 miles from Puebla, and the same from this city.

Major General Patterson complains, I have no doubt justly, of the unfitness, from the want of experience, of the officers and men with him, for the service of separate posts, whence are to be feared many disorders and much waste of public property. We are here, also, very deficient in the number of field and company officers needed even for ordinary duties; and the force present is barely sufficient to garrison this large city and the castle of Chapultepec. One strong detachment is now out with the train despatched hence to Vera Cruz on the 1st instant, and before its return (about the 5th proximo) I shall have sent down another for certain supplies, not to be obtained here on advantageous terms, and in order, as in the other instance, that a portion of the wagons may be serviceable in bringing reinforcements from Vera Cruz.

I am happy to learn that Major General Butler was hourly expected at Vera Cruz early in this month. On his or Major General Patterson's arrival here, with 4,000 or more reinforcements, over and above the eastern garrisons, I shall despatch that surplus, or a force equal to it, to occupy the mining districts within —— miles of Zacatecas; and, should the surplus be sufficient, I shall also occupy the mining district of San Luis de Potosi, unless propositions of peace, on the part of Mexico, of such a character as to give a strong probability of their acceptance by our government, combined with an evident steadiness of purpose at Queretaro, may possibly cause me not to disturb the government at that place, but to pass it at some distance to the right or left. An indirect overture for an armistice I have already declined.

In making the proposed distant detachments, I shall endeavor to send together about equal portions of regulars and new volunteers. The new York, South Carolina, and Pennsylvania regiments, (the 2d Pennsylvania,) with me, have been exceedingly reduced in numbers, as are also all the regular regiments.

I invite attention to the accompanying order, No. 358, respecting bullion and coins. I am engaged in collecting the statistics of finance in this country for the period a little before the commencement of this war. It is possible that if we should be able to occupy the principal mining districts and seaports of Mexico, and keep the great highways clear of guerilleros and other robbers, the per centage on the precious metals—coinage and exports—and duties on increased imports of foreign commodities, might amount to ten or twelve millions a year; but on the approach of even Mexican troops, in periods of revolution, the miners always run away from their work, and are rarely brought back in months. The some difficulty may be apprehended from the approach of our troops. Be-

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sides, the mints, (some seven or eight,) by payments in advance, have, I learn, hired the privilege of coinage for a term of years, and they are mostly, if not entirely, in the hands of neutrals. And in respect to other internal resources of ordinary revenue, I suppose they cannot be made available towards the support of this army, except by the occupation of the State capitals and through the State authorities. To collect such revenue directly, by means of agents of our own—Mexican or American—would require a host of civil *employès*, involving much extortion, waste, and corruption. The superintendence of the latter system would be extremely repugnant to my habits and feelings. But, I repeat, I have but recently commenced the study of the subject. By the arrival of adequate reinforcements, I hope to be better informed, and, under a general system to be devised, to be able to collect, in the interior, at least a part of the means necessary to support the occupation.

I have to acknowledge despatches from the department dated July 12 and 19, both received October 31; September 1, received November 17; October 6, received November 18; and October 24, received November 16. In the despatch of the 19th July, it is said a duplicate of one dated "the 14th ultimo" is herewith enclosed. Neither copy has been received, and only the duplicate of that dated July 12. In respect to the latter, I have only time to say, that I have ample topics for reply and self-justification, but waive them for the present.

I shall probably, in three or four days, write again by the downward train. I now avail myself of a messenger who can only take a few letters and packages.

I have the honor to remain, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

Hon. W. L. MARCY, *Secretary of War*.

HEAD-QUARTERS OF THE ARMY,
Mexico, November 25, 1847.

GENERAL ORDERS—No. 358.

Under instructions from the government at home, requiring that this army shall, as soon as practicable, begin to raise, within the country it occupies, the means, in whole or in great part, of maintaining the expenses of the occupation, until the federal government of Mexico shall submit terms of peace which the United States may honorably accept, it is *ordered* that no uncoined bullion, bars or ingots, either of gold or silver, shall be shipped from any port of Mexico, until the further orders of the government at home shall be made known on the subject, so as to give time for said government to fix the rate of export duty on such bullion, and perhaps a smaller duty on gold and silver coins.

As the beginning of the change of system intimated above, all rents for houses or quarters occupied by officers or troops of the army, in any city or village in Mexico, will cease as soon as con-

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racts may permit, and absolutely from and after the end of this month, wherever this order shall be received in time; and, in future, necessary quarters, both for officers and troops, where the public buildings are insufficient, will first be demanded, as required, of the civil authorities of the several places occupied by the troops, so as to equalize the inconvenience imposed upon the inhabitants, and diminish the same as much as possible.

If the authorities fail to put the troops promptly in possession of such quarters, then the commanding officer, in every such case, following out the same principle of giving the least distress practicable to the unoffending inhabitants, will cause the necessary buildings to be occupied.

Subsistence, forage, and other necessaries, for the army, will be purchased and paid for as heretofore; and the injunctions and penalties of the *martial law* order, dated February 19, 1847, originally published at Tampico, and republished several times since, with additions, will, as from the first, be strictly enforced, as also, in general, all the obligations of good morals and the most exact discipline.

By command of Major General Scott:

H. L. SCOTT,
A. A. A. G.

[No. 37.] HEAD-QUARTERS OF THE ARMY,
Mexico, December 4, 1847.

SIR: I had designed to send down to Vera Cruz, some five days ago, another, or a second train of wagons, under an escort, principally to furnish means of transportation, in part, for reinforcements at that city destined for this place; but learning nothing of the approach of Major General Patterson's column (or of any other) since his report from Jalapa of the 10th ultimo, and hearing unofficially that the train (400 wagons, 150 for reinforcements) despatched hence the first of that month was likely to be detained by some unknown cause at Vera Cruz, till the 1st or 5th of the present month, I have been obliged to delay the second train, as the force here and at Chapultepec "fit for duty" is only about 6,000 rank and file; the number of "sick," exclusive of officers, being 2,041.

What has detained Major General Patterson so long at Jalapa, I am at a loss to conjecture. He reported on the 10th ultimo that he would renew his march in ten days, in which case he would now have been here, but very late unofficial news from Puebla is silent on this subject. Lieutenant Colonel Johnson, who will command the first train returning up, has probably been detained at Vera Cruz, waiting for the arrival of essential articles of clothing from New Orleans. All the reinforcements which have joined me *via* New Orleans, since I left Vera Cruz, have reported that they were officially told, before leaving their respective rendezvous, they would find abundant clothing at New Orleans, and there; that the

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depot at Vera Cruz would be found ample; whereas not a sixth, perhaps an eighth part, of the clothing needed by this army has reached the latter depot since we landed early in March, except, perhaps, very recently; and that little, it is now reported, has been issued to the troops that have arrived there since about the middle of September; they also, it is presumed, having left home with insufficient clothing. Please recur to a notice on the same subject, in my report to the department (No. 30) dated July 25. If, therefore, Lieutenant Colonel Johnson be waiting at Vera Cruz for the article so much needed here, he will, in the end, probably learn that one clothing depot is as empty as the other. We have caused a great number of garments of absolute necessity to be made here, but of inferior materials and at high prices compared with those of Philadelphia.

Mr. Trist will go down with the next train.

No proposition has been made to me, looking to peace, by the federal government of this republic, or its commissioners; the latter understood to be still in this city. I have not seen them.

In the act of writing, I learn through a merchant that Major General Patterson was, on the 2d instant, expected at Puebla the following day.

I have the honor to be, sir, with high respect, your obedient servant,

WINFIELD SCOTT.

To the Hon. Secretary of War.

P. S.—The foregoing letter was despatched the day of its date, by a hired Mexican. I have just learned that he was robbed of his despatches and horse, near and in sight of our new post at Rio Frio, occupied by new troops.

I send this duplicate with copies of the same papers which accompanied the original, to overtake the second train that left here for Vera Cruz yesterday, under the orders of Brigadier General Twiggs, who will assume command of the Vera Cruz department, after inspecting the intermediate garrisons of Rio Frio, Puebla, Perote, Jalapa, National Bridge, and San Juan.

Colonel Hays, with five companies of rangers, and Major Lally, with a detachment of regulars, arrived here the 7th instant. Major General Patterson came up the following day, and Brigadier General Cushing and brigade were close behind. I have not yet been able to obtain a return of those reinforcements; but Major General Patterson thinks they may in all amount to 3,500, officers and men.

I have nothing else to add of interest, except that Major General Butler's column, as well as the train sent hence the first of November, are both expected here in about a week.

WINFIELD SCOTT.

Mexico, *December* 10, 1847.

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WAR DEPARTMENT,
Washington, December 14, 1847.

SIR: You will herewith receive a copy of the President's message to Congress, and also a copy of the annual report from this department. The message will make you acquainted with the views of the President in regard to the future prosecution of the war.

It is expected that you will use the force under your command to hold the city of Mexico, and other places now in your possession, and to keep open the communication from that place to Vera Cruz, so that supplies, munitions of war, and merchandise, can be safely conveyed along that line with only a small force to escort and protect them. Should robbers and guerilleros continue to obstruct the road, to plunder and murder as heretofore, the most vigorous measures should be pursued to punish them, and prevent their depredations. It is desirable to open the country to the ingress of merchandise from the ports in our possession to the utmost practicable extent. In this way it is anticipated that considerable assistance will be derived towards meeting the expenses of the war.

You will perceive that the government here contemplate that the resources of the country are, to a considerable extent, opened to us, and that they are to be resorted to for the purpose of diminishing the burden of our expenses. It is also expected you will make them available for this purpose as far as practicable.

The internal revenues to the extent, at least, to which they were levied by the Mexican government, are to be kept up and paid over to the use of our army, so far as it is within our power to control them, with the exception of the departmental or transit duties, mentioned in a former communication. For this purpose, and to deprive the enemy of the means of organizing further resistance to protract the war, it is expedient to subject to our arms other parts of his country. What those parts shall be is left to your judgment. Our object is to obtain acceptable terms of peace within the earliest practicable period, and it is apprehended that this object cannot be speedily obtained without making the enemy feel that he is to bear a considerable part of the burden of the war.

Should there not be at this time a government in Mexico of sufficient stability to make peace, or should the authority which there exists be adverse to it, and yet a large and influential portion of the people really disposed to put an end to hostilities, it is desirable to know what prospect there is that the latter could, with the countenance and protection of our arms, organize a government which would be willing to make peace, and able to sustain the relations of peace with us. It is presumed that your opportunities of knowing the disposition of the people of Mexico will enable you to furnish your government with correct information on this subject; and the President desires to be furnished with your views thereon.

Major General Taylor has obtained leave of absence from his command to visit his family. He will remain in the United States

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for six months from the first instant, unless the exigencies of the public service shall require his earlier return to Mexico.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General WINFIELD SCOTT,
Commanding United States Army, Mexico.

[CONFIDENTIAL.]

WAR DEPARTMENT,
January 26, 1848.

SIR: I presume that the correspondence of this department with Major General Scott is already in your hands, and that you are in discharge of the duties devolved on you by the order of the 13th instant. You are therefore fully apprized of the character in which N. P. Trist, esq., was sent to Mexico, and of his recall by the President. The recall of the commissioner was accompanied by an order that the general in command should receive and transmit, for consideration here, any overtures or propositions for peace which the Mexican government might think proper to submit through him. From despatches recently received from Mr. Trist, acknowledging the receipt of his letter of recall, it is understood, that since its receipt he has been engaged in negotiations with the Mexican government. This assumption of power imposes on the President the painful necessity of maintaining the authority of his office, and of enforcing obedience to his orders. If, on the receipt of this despatch, Mr. Trist shall not have signed a treaty, it is the order of the President that you communicate to the Mexican government that he will no longer be recognised by this government, as authorized to continue the negotiation.

In communicating this fact, the President directs that you will make known to the Mexican government that his desire for the restoration of peace and for a just and honorable adjustment of the matters in controversy between the two republics, is unabated; and that any proposition for this desirable consummation which the Mexican government may think proper to submit or place in your hands to be transmitted, will be considered by this government with an anxious desire to promote a pacific result.

If Mr. Trist shall have actually signed a treaty, you will make no communication on the subject to the Mexican government; the President will dispose of the subject when communicated to him, as of course it will be, in such a mode as the great public interests involved may require, giving due weight to the circumstances under which Mexico may have acted, and uninfluenced by the unprecedented conduct of our late commissioner.

If, when you receive this despatch, the circumstances are such that you make to the Mexican government the communication as herein directed, you will inform Mr. Trist of this order and of its execution on your part; and that he will no longer regard himself

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as being at the head-quarters of the army, under the orders of his government.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General W. O. BUTLER,
Commanding U. S. Army, Mexico.

[Written in pencil on a slip of paper.]

[*Private*]

DEAR GENERAL: You may infer that it is intended that you should give the notice, if necessary to be given, by sending copies of the despatch; but such is not the case. Stating the substance will suffice.

W. L. M.

General BUTLER.

[CONFIDENTIAL.]

WAR DEPARTMENT,
Washington, February 24, 1848.

SIR: A treaty of peace negotiated by Mr. Trist and certain Mexican commissioners has been received by the President, and he has sent it to the Senate for ratification, with the exception of the tenth article, which has reference to the title of lands in Texas. This article is so entirely inadmissible, that any treaty containing it can never be ratified by the United States. Rejecting this tenth article, and perhaps "the additional and secret article," it is probable that the treaty will be approved by the Senate and President.

One of the stipulations of the treaty provides for the payment of three million dollars in Mexico, on its ratification by the Mexican government.

If the Mexican government should ratify the treaty in its present shape, and thereupon claim the first instalment, it is very important that the payment should be withheld until the action of the government here is made known in Mexico; for, should the money be paid, and the treaty be here modified, as it certainly will be, and the Mexican government refuse to adopt the modification, the amount so paid will be lost. It is proper to guard against such an occurrence.

Mr. Trist took out with him an authority from the Secretary of the Treasury to draw for three millions, to be paid on the ratification of a treaty by Mexico, and he may assume to act on that authority, notwithstanding his recall. No doubt is here entertained that his recall is a revocation of his power to draw on his government; yet, considering the extraordinary course of his conduct, it would not be very surprising if he should persist in claiming the

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right to act on the revoked power. If the Mexican government should ratify the treaty in the form in which it may be ratified by the government here, it will be necessary that we should be prepared to pay, in the city of Mexico, the first instalment of three millions. For that purpose I herewith transmit to you authority from the Secretary of the Treasury to draw for that sum, to be used when the Mexican government shall have ratified the treaty in the shape and form in which it shall be ratified by this government.

To remove all question or cavil as to Mr. Trist's authority to act in the matter, I herewith enclose to you the evidence of the revocation of his power to draw on the treasury, and you are requested to deliver a copy of it to him, in the event that the Mexican government should ratify the treaty as it was made by Mr. Trist and the commissioners. On exhibiting to him the enclosed evidence of the revocation of his power to draw, you will ask the surrender of that power to you. Should he refuse to surrender it, you will notify the Mexican government that his power to draw on this government has been revoked, and that you are vested with authority to do what is required in regard to the payment of the first instalment provided for in the treaty.

From the information here received, it is not probable that the Mexican Congress can be assembled, and the treaty be ratified in Mexico, before the course of our government on it will be known. Should you be sure of this fact, there will be no occasion for you to act on this communication or to apprize any one of its import or object.

As soon as the government of the United States shall have acted on the treaty, the result will be immediately transmitted to Mexico, and all the necessary arrangements made to carry the treaty into effect, in all its stipulations, as soon as it is mutually ratified. The sole object of this communication is, to prevent the payment of any part of the sum stipulated to be paid on a treaty ratified by Mexico, one article of which (the tenth) cannot be accepted by the United States.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Maj. Gen. Wm. O. Butler,
Commanding U. S. Army in Mexico.

War Department,
Washington, February 25, 1848.

Sir: You were informed, in my despatch of yesterday, that a treaty signed by Mr. Trist and commissioners on the part of Mexico, and transmitted to this government, has been submitted to the

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Senate with a view to its ratification. In the conduct of Mr. Trist in remaining in Mexico after his recall, in assuming to himself powers which had been revoked, in arrogating to himself the right to judge of the best mode of conducting the negotiations with Mexico, which the constitution has devolved on the President, and in inserting in the treaty a provision unjust to Texas, which his instructions never authorized, but especially in his despatches to the State Department, the President saw such flagrant violation of duty and of decency, that if he had yielded to personal considerations, he would have refused to recognise any act of his after he had so far disregarded his duty. But looking at the subject with a dispassionate sense of public duty, the President has submitted the treaty to the Senate, with a view to its ratification with an amendment. If the Senate shall approve the treaty with amendment, the question will be for the Mexican government and Congress to determine whether they will concur, and thus terminate the war. No public interest can require that Mr. Trist should longer remain at the head-quarters of the army. The President feels that he owes it to his country and its constitution not to suffer the authority and dignity of the high office in which his fellow-citizens have placed him to be contemned and insulted by one whose authority as a diplomatic agent he has deemed it best for the public interest to revoke, and who has proved unworthy of the confidence reposed in him. Judging from his past conduct, Mr. Trist, in his contempt of the instructions of his government, may feel disposed rather to prevent than promote the adoption by Mexico of the modifications deemed indispensable by the President, as those modifications, when adopted, will effect changes in the treaty signed by him. The tone of two despatches addressed by him to the Secretary of State, and which, although they came with the treaty to Washington, were, by inadvertence, not delivered to the Secretary of State, nor brought to the notice of the President, until after the treaty was sent in to the Senate, is so objectionable, that while they would not have prevented him from pursuing the course which he has taken in regard to the treaty, yet he cannot countenance Mr. Trist longer occupying a position in which he appears to the world as the representative of his government, and of which he avails himself to defy and insult the authority of that government.

It is not deemed to be necessary to characterize these and other despatches from him since his recall, further than to say that they are grossly insulting, abound in extraneous and impertinent matter, and present such a commentary upon the course of his government as could result only from great ignorance or a design to put forth perversions and misrepresentations. You will therefore require Mr. Trist to leave the head-quarters of the army, and will furnish the necessary escort for him to Very Cruz. But if, as has been intimated, his testimony shall be required in the judicial proceedings conducted by the court of inquiry of which General Towson is president, you will interpose no objection to his going to and remaining at the place where the court is in session, until his at-

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tendance shall be no longer necessary; at which time he must be required to leave the country and return to the United States.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General W. O. BUTLER,
Commanding the Army of the U. S. in Mexico.

[PRIVATE.] NEW ORLEANS, (Sunday morning,)
April 25, 1847.

MY DEAR SIR: I reached here from Mobile yesterday morning, one day later (as it happened) than if I had kept with the mail from Montgomery; but every body concurred in representing this land route—nominally of 36 hours, but in reality of 48 hours staging, without rest—as so excessively fatiguing, that I made up my mind, on reaching Montgomery, to take the steamer which was then there waiting for us. This was strongly recommended by Dr. Gwinn, who had just come up in her, and whom I met at Notasulga, 50 miles from Montgomery, on his way to New York via Washington. He represented the land route as the most fatiguing in the United States, and considered it next to certain that the steamer would reach Mobile *before* the mail; as would have happened, had she not lost about five hours on the river, in consequence of the extreme darkness of the nights.

Anticipating the possibility of this determination on my part, I had, during the hour that we had stopped at Atlanta, in Georgia, written a letter to Mr. Prieur, requesting him to take the necessary steps for holding the best of the cutters in readiness for sailing at a moment's warning on Saturday. This letter I mailed at Montgomery, and Mr. P. received it on Friday, the day that I should have reached here, had I remained with the mail. Unfortunately, however, Captain Foster (who has the direction of the cutter service here) had put to sea a few days previously, in the only steam cutter on the station at present, for the purpose of regulating her compass, &c.

But for this *contretemps*, I should have gone down the river yesterday afternoon, and been fairly out at sea before this time. It will not, however, cause me to lose more than two days; at least, there is no probability that it will, as you will see from the following statemcnt of the circumstances of the case:

Independently of my movements, one of the lieutenants of the revenue service, (Rogers,) had been detailed to set out yesterday, at one o'clock, (in the same steamer that brought me from Mobile, and which starts back at that hour,) to carry to Captain Foster at Cat island or Ship island, where he would be lying, despatches received the day before from the Treasury Department. My first thought was to go with him; but upon reflection, I perceived various conclusive reasons against my taking this course.

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One of these was, that to go back in that way in the very same steamer that brought me, to be dropped on a desert island with my baggage, in quest of a chance to get to a revenue cutter, would be to give immediate publicity to the whole affair. I therefore got Mr. Prieur to write to Captain Foster, (enclosing a copy of the Secretary of the Treasury's letter, as a full warrant for such an order,) desiring him to proceed instantly to the mouth of the river, and there await the gentleman mentioned in the Secretary's letter. Should Lieutenant Rogers lose no time in reaching Captain F., and should every thing prove favorable, the captain will be at the mouth of the river early to-morrow. Secrecy has been enjoined upon him.

This order having been despatched, I considered the whole matter settled, and intended to go down last evening in one of the tow boats. But reflecting on what Mr. Prieur had told me respecting this steamer, (the "Bibb," I think she is called,) and then consulting with him upon the subject, I came to the conclusion that I might find myself at the mouth of the river *without a vessel to proceed in*. This is the steamer's experimental trip, and it may have been found that she is not fit for the sea. Mr. P. says our navy officers pronounced her unfit, from the size of her masts and spars; and although she has undergone alterations to the amount of some $800, she may have proved unfit *from other causes*. She was built up the river somewhere, (Cincinnati or Pittsburg,) and is, I think, the twin sister, or the cousin german, of the very vessel which was lost in the gulf a few weeks ago, and was so near proving the coffin of her whole crew, including Lieutenant McLaughlin, her contriver. So, after taking all this into consideration, I got Mr. P. to give a second order; to the effect, that one of the sailing cutters, now here, is to proceed *immediately* to the mouth of the river, take in a month's provisions, and await further orders. If, on seeing Captain Foster, I find that he has any doubt whatever about his vessel's being a safe sea-boat, I shall go in the sailing cutter; for, to say nothing of considerations more peculiar to myself, the object of my mission would be but very little furthered by your letter's going to Davy's locker, instead of the city of Mexico.

What I have given you above, tediously detailed as it is, is but a slight sketch of the matters that I had to take into consideration before concluding upon the course I have adopted. For instance: so soon as I learned that the steamer was not here, I determined at once to go in one of the others, and I requested Mr. P. to give the order for her to be got ready to go down with the tow (or tug, as they call them in England) of last evening. I qualified this request, however, by desiring him not to give the order until he should have ascertained that I should gain time by sailing at once, instead of waiting until the steamer could be brought round. He came back and told me that Captain Nones said that the steamer is now a perfectly safe sea-boat, and would go, with certainty, to Vera Cruz in three to four days, whilst it would take the sailing cutters eight or ten. It was on learning this, that I concluded to send the order to Captain Foster to repair instantly to the south-

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west pass. I shall go down this evening, if there be an opportunity; and if not, certainly to-morrow evening, for there is no doubt about opportunities then. According to present probabilities, therefore, I shall put to sea in the course of the forenoon of to-morrow or of the day after.

On reaching the railroad depot, (the steamer from Mobile lands its passengers on the shore of Lake Pontchartrain, whence they are brought by a short railroad to the city,) which is fortunately in the lower end of the city, I inquired for a Spanish or French tavern in that quarter, but was told that there is nothing of the kind there except sailor boarding houses.

I was compelled, therefore, to come up to within a half a square of the St. Louis—the great French exchange and hotel combined—and within sight of the St. Charles, into neither of which could I venture without the certainty (besides having my name gazetted) of meeting within the first five minutes some one who would be sure to say, "*You* here! Oh, you are going to Mexico, I suppose." Then there would be Slidell, and Soulé, and dozens of others, calling, and making remarks, which, in whatever way they might be treated, would have the effect of disclosing everything to all *practical* intents. I am, therefore, at the *Hotel d'Orleans*, a well-thronged French auberge, of the economical order, where the old lady writing my name in her book "Docteur Tarreau," I corrected her by making her substitue a round *o* in place of the *eau*, saying, "c'est un nom espagnol." Having put my baggage under her charge, I sallied forth in quest of a hack, and it was some time before I could find a close carriage, almost all their hacks here being (under the name of *cabs*) open chaises on four wheels. Having at last found one, I drove off to Mr. Prieur's house with a note I had written him; but he had just gone out; and though I pursued him successively to two other houses, it was with the same result; and I had to return to my auberge breakfast at 8 o'clock, and there to await patiently the fruit of my bargain with the French-Creole-negro-hackman, whom good fortune had thrown in my way, for he knew Mr. P. personally. He went and took his station at the custom-house, watching for his arrival there, and brought him to me about half past 10, from which time he devoted himself to me with all possible kindness and cordiality, touching upon the subject which brings me here but once, and then merely to observe that he had immediately inferred what the object of my mission must be. This is all that has passed between us in regard to it.

By means of his acquaintance with the old Spanish merchants, I have obtained a catalan as a *criado de mano*, or body servant. He is well recommended, and, from his appearance, I am strongly disposed to think he will justify the recommendation. It is the first time in my life that I have ever thought of indulging in such an expensive luxury, (and it will be quite an expensive one in this case: his wages, which he has left to me to fix, "after he shall have served me the two, three, six, eight, or ten months, or whatever the term may be," will probably be $25 or $30, graduating them by what men of that class can earn here;) and if I do indulge in it, it is not at all with reference to the personal comfort attending

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it, but to more important considerations. It is not at all impossible that I may be, for a time, so situated as to make it quite important to the object of my mission to have some one person at least connected with me, and gathering the small news for me, whilst I shall be surrounded on all sides by the enemy: and in case of illness, I shall have a faithful servant to watch over me; and though I do not apprehend being sick, it is quite a comfort to me, and will be a far greater one to Mrs. T., to know that I am thus provided beforehand. The inquiry for such a servant was made on behalf of a French merchant, who is going to Mexico for a term which may prove very short, or last several months, according to circumstances; and this is the character in which he knows me.

I have written until I am tired, and fear that you will tire before you reach the same point; but I thought it best to go into details, knowing the anxiety which both the President and yourself will feel in regard to my making headway.

With faithful esteem and friendship, yours,

N. P. TRIST.

Hon. JAMES BUCHANAN.

UNITED STATES REVENUE CUTTER, "EWING,"
Vera Cruz, May 6, 1847.

SIR: We have this moment cast anchor in this harbor, after a passage of eight days from the mouth of the Mississippi; and having been boarded by Captain Stringer, of the navy, I have learned from him that a large escort is to leave this day for head-quarters, under circumstances which will probably determine me to set out with it. I had intended, in my first communication, to give you the result of my reflections, since my departure from Washington, with reference to the isthmus of Tehuantepec, and the state of things which I may possibly find existing at the city of Mexico in regard to that subject. These have led me to the conclusion, that not only may my success in making a treaty of peace be promoted, but a most important collateral object secured, by means of a secret additional article to that treaty, totally distinct therefrom, so far as regards ratification or non-ratification by our government, on the subject of the isthmus.

You will excuse this hurried scrawl, in consideration of the circumstances under which it is written; the state of things mentioned by Captain S. having determined me to send by him a message to the governor of Vera Cruz, requesting him not to allow the escort to depart until he shall have seen me. My health is perfect. I learnt from our Mexican pilot that there is a good deal of fever among our troops here, but no vomito as yet.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

You will deeply regret to learn that our friend General Shields is considered in great danger from a wound received at Cerro Gordo.

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[CONFIDENTIAL.] VERA CRUZ, (Friday night,)
May 7, 1847.

SIR: A hasty scrawl written yesterday on board the "Ewing," immediately upon entering port, (and erroneously dated the 7th, from my not adverting to the difference between "sea time" and the way of counting the days on shore,) will have apprized you of my safe arrival here; and I now, at 11, p. m., after having passed the day in making the necessary arrangements for my departure to-morrow morning, sit down to write a few lines in addition to those of yesterday.

This I should have postponed doing until my arrival at Jalapa, but for the fact that General Scott expects (as I was confidentially informed yesterday by Colonel Wilson, the governor of this place) that all communication between himself and the seaboard will be for a time cut off, after the opportunity afforded by the large train which is to leave to-morrow, under a strong escort of somewhere about one thousand men, all told. This will consist in part of the "Tennessee dragoons," under Lieutenant Colonel Allison, of whom I have formed a very favorable opinion. The colonel of the regiment is in the upper country with General Scott.

This train carries, among numberless other things, a large amount in specie; and the universal impression here yesterday (entertained by Colonel Wilson himself) was, that it would be attacked on the road; though no one considered it at all uncertain what the result would be. This evening, however, the conjectures seem to incline somewhat decidedly the other way, and I myself consider the probability to be that it will not be assailed. General Scott had sent orders that it should not move until after the arrival of a downward train, which was expected here somewhat anxiously when I landed yesterday. It came in last night, having passed unmolested, although under a guard of ninety men only. This guard, consisting of a detachment of the United States rifle regiment, (Persifor Smith's,) which is the terror of the Mexicans, under the appellation of the "Malditos rifleros," will form part of the escort of the train to-morrow; the greater part of which has already gone off during the day, and will await the rest at Santa Fe, to make a fair start day after to-morrow morning. We shall probably be overtaken by Captain Ruff, (whose appearance is every way promising,) with a full company of the "United States rifles," the greater portion of which is here ready to move, and the remainder momentarily expected.

You will readily conceive that my determination to go up with this body has been taken in consequence of the utter uncertainty as to the time when another equally safe opportunity might occur, however favorable the state of things above might be to the object for which I have been sent. It is impossible to obtain any satisfactory information in regard to what this state of things now is; (every man here, without exception, from the governor down—at least among the officers holding responsible stations—having every moment of his time too urgently engrossed to permit to give his

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attention to anything but the duties of the moment.) I am induced, however, to believe that it would at the present instant have been favorable in a very high degree, if Santa Anna's defeat at Cerro Gordo could but have been a little less inglorious to himself personally. And whether *he* be or be not forever prostrate, (which he is generally considered to be,) some other tangible *head* of the nation may at any moment arise, and the opportunity be lost if I remain down here, particularly with the communications cut off.

Colonel Wilson left it entirely to me to determine every point in regard to the despatches for General Scott; and the result of my consideration of the various alternatives that present themselves was, that they left here (including of course the letter to the minister of foreign relations) yesterday, about 5, p. m., in charge of Lieutenant Lacey, of the Tennessee dragoons; a *picked* officer, of most prepossessing appearance, accompanied by 40 picked men of the same regiment. This force I considered the proper medium for reconciling perfect safety with expeditious travelling; and the despatches are before this time doubtless in the hands of Gen. Scott, (at Puebla, in all probability,) together with a letter from me, of which I had no time to take a copy.

I was never more pleased with any man, on so short an acquaintance, than I am with Colonel Wilson. The selection of him for this post was manifestly a most judicious one. It is, however, *immensely* arduous. One must be here to conceive how very arduous—and not only be here, but be acquainted with the character and ways of the race over which he is governor. The remark is applicable to most other officers here, in any post of responsibility. With respect to the amount of toil they have to undergo, their position, compared with that of those in the field, is like the base of a pyramid compared with the top layers. Some of them are evidently *overtasked*; for instance, I deem it next to impossible that Captain Hetzell should hold out long in this climate, where head labor, (and, above all, head *distraction*, from numberless things claiming the attention in rapid succession,) when carried beyond a certain point, is the most killing thing that a man can be exposed to—if he is not relieved from a portion of the labors by which I see him oppressed. I have not exchanged a word with him on the subject; but it is evident to me that they are entirely too much for any one man to stand up under long, in *any* climate. The only remedy for this would be to send out two or three *truly capable and efficient men*, really competent to subdivide the duties amongst themselves, and to discharge them. As to "quartermasters," there is no lack of them; but I have most sorry accounts of them, of which strong corroboration stares one in the face, all round.

The new tariff went into operation yesterday. The plan of having the duties discharged by officers of the army, or persons attached to it, is, so far as regards this place, (and I believe it must de so at every *base* of operations,) entirely *out of the question*—a physical impossibility, for the present at least. On being consulted by Colonel W.—who appeared very much disheartened at this un-

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expected addition to his burden—I advised him to consider the subject as being only in an especial manner under his control and supervision, and to let the *work* under the new tariff be done by the same persons as under the existing arrangements. That the authority to employ *all* necessary agents and instruments for their collection and safekeeping upon just and fair principles, (provided only they really be necessary,) is necessarily involved in the power to levy military contributions, is too manifest to my mind to admit of a word of rational argument on the subject. I was also consulted by Commodore Perry upon some new points intimately connected with the raising of a revenue from these people, which I will explain hereafter; and I unhesitatingly advised him to take the responsibility, or, in other words, to *exercise*, until he can receive instructions on the subject, the power which is necessarily attached to his position.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

P. S.—More recent intelligence respecting General Shields, as I am most happy to say, is every way satisfactory. He is at Jalapa, *out of danger.*

[No. 4.]

JALAPA, *May* 21, 1847.

SIR: I have the honor to transmit herewith a very extraordinary letter, (if, indeed, anything from his pen can properly be so designated,) received by me from General Scott, together with a copy of my reply and of a letter enclosing that reply.

Although the explicit order delivered to him in the latter, on behalf of the President, with respect to the transmission of the communication from yourself to the minister of foreign affairs, may perhaps prove effectual, I beg leave to suggest for consideration whether it would not be advisable to despatch to General Scott a special order, through the War Department, confirming the one thus delivered by me; for, from the officer capable of writing such a letter, under any circumstances—and, above all, such as it was written in, so totally wanting in anything like provocation—I do not know what to anticipate or not to anticipate.

Excepting a report which came in here last evening that General Herrera had been elected President, and that this event is considered favorable to peace, no news whatever has been received here since my arrival. When we reach Puebla—for which I shall set out to-morrow afternoon with General Twiggs's division—I hope to have it in my power to give at least some account of political affairs and prospects, whether favorable or unfavorable. A youth from Guadalajara, who is here on his way to Vera Cruz to embark

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for England, tells me that in his native place (some 300 leagues nearly from Mexico) *all* are in favor of continuing the war, at least there is but a handful of the opposite sentiment. But in the city of Mexico, where he passed a month, *there is a very strong party* in favor of peace. This I consider good evidence of the state of public opinion, on that face of it which is likely to catch the eye of persons of his class—intelligent and modest lads of the age of 17 or 18.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

P. S.—On the occasion of transmitting this correspondence with General Scott, I should do him injustice, although he could not be injured thereby with any person at all conversant with his character, were I to omit to mention that, so far as "respect" for the government can be proved by such outward acts as bear the same relation to this sentiment which genuflexions and upturnings of the eyes bear to religion, nothing could have been more perfect than the proof afforded in my case of the sincerity with which he professes the established creed upon this point. Not only was I met on the road, as we approached the city, by General Scott's aid-de-camp and the chief of the quartermaster's department, deputed by him to conduct me to the quarters which he had caused to be secured for me, but I was subsequently called upon by the governor, in compliance with orders from the general-in-chief, to offer me a guard, (which I declined, there being no necessity for it.) So far, therefore, as ceremonial goes, and attentions to my person, as that of "a functionary of the government," nothing could be added to the proof, which it receives in this shape, of respect for its authority.

HEAD-QUARTERS OF THE ARMY,
Jalapa, May 7, 1847.

SIR: I have just received your note of yesterday, accompanied by communications to me from the Secretary of War, and one (sealed!) from the Department of State to the minister of foreign affairs of the republic of Mexico.

You are right in doubting whether there be a government, even *de facto*, in this republic. General Santa Anna, the nominal president, has been, until within a day or two, in the neighborhood of Oriziba, organizing bands of rancheros, banditti, or guerillas, to cut off stragglers of this army; and, probably, the very train, all important to us, which you propose to accompany into the interior; the safety of which train has detained me here and caused me a high degree of solicitude. Hence I regret that Colonel Wilson, commanding at Vera Cruz, has allowed himself, a second time, to

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be persuaded to detach, to bring up despatches, (for your accommodation,) a material portion of the force I had relied upon as the escort of that train. The other detachment to which I allude came up some days ago to escort Lieutenant Semmes, of the navy, duly accredited by Commodore Perry, to the Mexican minister of foreign affairs, to negotiate the exchange of Passed Midshipman Rogers, now a prisoner of war. That matter, also, seems to have been considered too important to be entrusted to my agency!

But, to return to the actual government of Mexico. Señor Anaya is, I believe, president, *ad interim*. But you may have learned that the Congress, after hearing of the affair of Cerro Gordo, passed many violent decrees, breathing war, to the uttermost, against the United States; declaring that the executive has no power, and shall have none, to conclude a treaty, or even an armistice, with the United States, and denouncing as a traitor any Mexican functionary who shall entertain either proposition. I have communicated a copy of those decrees to the War Department, and, until further orders thereupon, or until a change of circumstances, I very much doubt whether I can so far commit the honor of my government as to take any direct agency in forwarding the sealed despatch you have sent me from the Secretary of State of the United States.

On this delicate point, however, you will do as you please; and when, if able, I shall have advanced near to the capital, I may, at your instance, lend an escort to your flag of truce; and it may require a large fighting detachment to protect even a flag of truce against the rancheros and banditti who now infest the national road, all the way up to the capital.

I see that the Secretary of War proposes to degrade me, by requiring that I, the commander of this army, shall defer to you, the chief clerk of the Department of State, the question of continuing or discontinuing hostilities.

I beg to say to him and to you, that here, in the heart of a hostile country, from which, after a few weeks, it would be impossible to withdraw this army without a loss, probably, of half its numbers by the *vomito*, which army, from necessity, must soon become a *self-sustaining machine*, cut off from all supplies and reinforcements from home until, perhaps, late in November—not to speak of the bad faith of the government and people of Mexico—I say, in reference to those critical circumstances, this army must take *military* security for its own safety. Hence, the question of an armistice or no armistice is, most peculiarly, a *military* question, appertaining, of necessity, if not of universal right, in the absence of direct instructions, to the commander of the invading forces; consequently, if you are not clothed with military rank over me, as well as with diplomatic functions, I shall demand, under the peculiar circumstances, that, in your negotiations, if the enemy should entertain your overtures, you refer that question to me, and all the securities belonging to it. The safety of this army demands no less, and I am responsible for that safety, until duly superseded or recalled. Indeed, from the nature of the case, if the enemy, on your petition,

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should be willing to concede an armistice, he would, no doubt, demand the military guaranty of my signature, for his own safety.

Should you, under the exposition of circumstances I have given, visit the moveable head-quarters of this army, I shall receive you with the respect due to a functionary of my government; but whether you would find me here, at Perote, Puebla, or elsewhere, depends on events changeable at every moment.

The sealed despatch from the Department of State I suppose you to desire me to hold until your arrival, or until I shall hear farther from you.

I remain, sir, respectfully, your obedient servant,

WINFIELD SCOTT.

N. P. Trist, Esq., &c., &c., &c.

Jalapa, *May* 20, 1847.

Sir: The enclosed reply to the tirade against our government, which you saw fit to put into the shape of a letter to me, (I regret exceedingly that it did not receive a more appropriate form and direction, by being made up, *at once*, into an "article" to adorn the columns of some reckless partisan press,) was commenced at San Juan del Rio; where, after taking time to recover from the amazement which your letter occasioned, and coolly to reflect upon its extraordinary character—as I have repeatedly done since on the journey—I passed nearly the whole night in writing, so desirous did I feel to dismiss the unpleasant subject from my mind. Having motives also for wishing that my reply should reach you before my arrival here, I purposed finishing it at the first place where it could be resumed. With this view, when we reached El Encero, I got out my writing materials, intending to pass the greater part of the night in this labor, and that of taking a copy. This design having, however, been defeated by the *alerte* which we had there just about sunset, causing Col. Riley to order the advance of the train with which I was to retire from its position in and around the house and out-buildings; the completion of my task has, from this and subsequent causes, been unavoidably delayed until now.

I was, most assuredly, not sent to Mexico for any such purpose as that of engaging in a correspondence with you; above all, in one of the nature of that which I have so unexpectedly found forced upon me; and I doubt whether the government will approve of my having allowed myself to employ any portion of my time in it. Certain I am that this would be censured, but for the fact that your letter found me under circumstances rendering it impossible that I should occupy myself upon the object for which I was sent here. The same excuse will not exist hereafter; and even if it should, numberless other good and sufficient reasons will always exist to compel me to decline the honor of maintaining a correspondence with you.

The communication from the Department of State to the Mexi-

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can minister of foreign relations, transmitted to you by me from Vera Cruz, has been returned to me, since my arrival at this place, by your military secretary, Lieut. Lay. So soon as I shall be enabled to ascertain that the condition of the government of this country is such as to admit of its delivery, it will be again placed in the hands of the general-in-chief of our forces, for that purpose.

Upon recurring to your letter, I find both its tone and its matter, with respect to the transmission of this communication, so perfectly in keeping with the rest of it, and especially with the light in which you have seen fit to consider me—that of an emissary of the Secretary of War, through whom and to whom you may "say" whatever your honor suggests—that I deem it necessary to make a special endeavor, in regard to this very important point, to bring down your thoughts from the lofty regions into which they have soared, to the one alone appropriate to such plain matters of business as I am charged with.

You say that some time hence, perhaps, "I (you) *may*, at your (my) instance, *lend* an escort to *your* (my) flag of truce; and it may require a large fighting detachment to protect even a flag of truce against the rancheros and banditti," &c.

Now, sir, in reply to this, all I have to do is to deliver to you—as I hereby do *in writing*—(and this *for the second time*, unless my first letter was far more enigmatical than I believe it could seem to any honest men, who, upon their conscience and honor should be called to respond to the questions, whether you had or had not, in this instance, been guilty of a wanton contempt of orders; and whether this offence had or had not been aggravated by the character of the pretences under which the contempt was indulged in, and the contumacy sought to be covered up)—I have, I say, sir, to deliver to you this message from your commander-in-chief, the President of the United States, to wit: "*When the communication, bearing the seal of the Department of State, and addressed* 'to his excellency the minister of foreign relations of the Mexican republic,' *shall be placed in the hands of the general-in-chief of the United States army in Mexico, it is the will, order, and command of the President of the United States, that the said communication shall forthwith be transmitted to its destination under a flag of truce; which flag of truce is to proceed from* the headquarters of the army, *and is to be a flag of truce from* the general-in-chief. *It is to be protected by such escort as the general-in-chief shall deem necessary and proper for its security against all dangers of the road in general, (including those from 'rancheros and banditti,' in particular.) Whether the escort necessary and proper for the purpose shall, in the judgment of the general-in-chief, be a corporal's guard, a company, a regiment, or a brigade; such necessary and proper escort, whatever it may be, is to be furnished. The President, at the same time, commands that the general-in-chief shall not, for the sake of carrying out this order, do aught which may jeopard the existence of the army, or interfere with any movements or operations whatever which he may deem necessary or expedient for the most vigorous possible prosecution of*

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the war. The transmission of the communication above referred to is at all times to be deemed a secondary consideration to any of those just mentioned; but it is also to be deemed at all times paramount to every thing else, and, so far as may be compatible with them, the utmost attention is demanded to it."

This, sir, is the order and command of the President of the United States, which—standing as I do to him, for this special purpose, in precisely the same relation that one of your aids-de-camp bears to yourself, when entrusted with a verbal order from you to a subordinate officer—I do hereby convey to the general-in-chief of the army.

You will now, sir, I trust, understand, when the communication referred to shall again be placed in your hands, that greatly deficient in wisdom as the present (and indeed any democratic) administration of the government must necessarily be, it has not, in this particular instance, fallen into so egregious a blunder as to make the transmission and delivery of that communication dependant upon the amiable affability and gracious condescension of General Winfield Scott.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

To Major General Winfield Scott,
General-in-chief of the U. S. Army in Mexico.

Bivouac at San Juan del Rio,
May 9, 1847.

Sir: Your letter of the 7th instant, directed to me at Vera Cruz, and transmitted by Captain Kearney, has met me at this place, on my way to the head-quarters of the United States army in Mexico, where my instructions require me to be, and for which I set out from Vera Cruz yesterday, in company with Captain Grayson, of your staff, a gentleman to whose kind attentions I am already much indebted.

In the exercise of the discretion left me, as to the precise time for proceeding to head-quarters, I should probably have decided upon remaining at Vera Cruz, until I could obtain some definite information respecting the aspect which things now wear with reference to the object of my mission, had it not been for the information confidentially communicated to me by the governor of Vera Cruz, confirming, (as your letter again does,) the correctness of the impression which I found generally prevalent there, that, after the passage of this well guarded train, all communication between our army and the seaboard would probably be cut off, and remain closed for some time. This consideration, joined with my utter want of all means of judging at what moment a juncture might be likely to occur, when every thing, so far as regards the re-establishment of peace between the two countries, would depend upon my being on the spot, ready to carry out my instructions, without

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the loss of a single day, determined me to set out forthwith. My short stay at Vera Cruz had, consequently, to be employed in making the requisite arrangements for leaving with the train, (the departure of which was to take place on the morning after my arrival, though it did not occur till a day later,) instead of being given, as it otherwise would have been, to the examination of files of the Mexican papers for the last five or six weeks; whereby alone my entire ignorance of all political events since the capture of Vera Cruz, and indeed for some time previous, could have been dispelled; for I found all our officers at that city so engrossed by the urgent demands upon their attention which are every instant arising, that the only intelligence elicited by my inquiries was, that every thing was in the utmost confusion, and that a new president had been elected in place of Santa Anna, and in utter disregard of his title to the office, under the election of last year.

No one acquainted with the history of this country could be surprised at such a proceeding, and I took for granted that it had happened exactly so, until I learned from your letter that this new president is merely a "president *ad interim*," not intended to supersede Santa Anna, the latter being still "the nominal president," in other words, the recognised head of the government.

The frantic decrees of the Mexican Congress which you mention, I had never before heard of, although, if your letter had found me still at Vera Cruz, it would most certainly not have had any such effect as that of deterring me from proceeding into the interior, and causing me to abandon all idea that my presence there might possibly be of use. In themselves, such insane proceedings could have had no force whatever upon my mind in forming an estimate of the probabilities of peace, and, in my endeavors to judge of the weight to which they might be entitled from concurrent circumstances, I should not have lost sight of the fact, that it was from the *Mexican Congress* that these brute fulminations had proceeded; the same body, who, calling themselves the representatives of the people, and with "God and liberty" for their motto, had allowed their country to be crushed under a domestic military tyranny, far more grinding than the Janissary oppression inflicted upon the Greeks by their Moslem conquerors.

Upon despatching to you the hurried note written a few hours after my arrival at Vera Cruz, I did not at all anticipate, sir, that a written correspondence was to arise between us, or that any communication whatever would be made on your part until I should have the pleasure of congratulating you in person upon the brilliant success which has attended your movements. Your letter, however, is one which cannot remain unanswered. It imposes upon me the duty at once to reply to it by a written correction of the misconceptions which, to my very deep regret, no less than exceeding surprise, have, from some cause or other, taken possession of your imagination upon the receipt of my letter.

The first of these in importance is the one evinced by the remarks, in the course of which you say: "I see that the Secretary of War proposes to degrade me, by requiring that I, the commander

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of this army, shall defer to you, the chief clerk of the Department of State, the question of continuing or discontinuing hostilities."

Upon this point, sir, I have to state that the order conveyed to you in the letter of the Secretary of War, did not originate with that officer, but emanated from him, who, if the constitution of the United States be anything but an empty formula, is "the commander-in-chief" of "this army," and of the whole armed force of the United States, in whatsoever quarter of the globe it may be directed to operate. In the present instance, this fact is positively known to me, and had it not been so, I should still, slight as is my acquaintance with military affairs, have taken it for granted, for I do not recollect ever to have heard of an instance, in which an important order issuing from the War Department, above all, one manifestly founded upon executive determinations respecting our foreign relations, was ascribed to any other source, or in which a disposition to treat such order with contempt sought to shelter itself under any such cover as the pretence that it was regarded as the mere act of the Secretary of War.

Commodore Perry, to whom the same identical order was issued through the Navy Department, and with whom I had a conversation on the subject, did not see in it anything at all extraordinary. This, however, may have been caused by his being less habitually vigilant of, or less gifted with discernment in regard to, the honor of his branch of the public service. Or, perhaps, this want of penetration on his part may be attributable to his not having equal reason for believing his own personal consequence to be so excessive, and the influence of the Secretary of the Navy to be so overwhelming, that for the mere sake of affording indulgence to the personal envy and malevolence of the latter, in the very vilest shape in which these base passions can manifest themselves, a most important measure of the government (belonging obviously to the branch of public duties appertaining to the Department of State, and having no reference to the functions of the War Department) was deliberately planned and decided upon, and a confidential diplomatic agent despatched post haste from Washington, with a communication for the Mexican government.

Thus much in regard to the author of the degradation supposed by you to be involved in this order. With respect to the degradation itself, and the imagined necessity of your deferring to me on "a military question," the following passage in my instructions (instructions which, in making the full explanation referred to in my first letter, it was my intention to submit for your perusal) will suffice. It shows that "the question of continuing or discontinuing hostilities," so far from having been in any manner committed to my discretion, is one which the President, in the discharge of the duty which he owes to our country, has judged proper to reserve entirely to the chief executive authority of our government: "If the contingency shall occur, on the happening of which, as provided by the third article of the proposed treaty, hostilities are required to be suspended, you will, without delay, *communicate this fact* to the commanders of our land and naval

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forces, respectively, the Secretaries of War and of the Navy having already issued orders to them for the suspension of hostilities, upon the receipt of such notice from yourself."

It is here seen, that the object of the order, thus provisionally issued to the commanders of our land and naval forces is, simply, that they shall cease to wage war upon Mexico, on the occurrence of a certain contingency. This contingency, as it was intended that you should be fully informed, by the exhibition of the proposed treaty, immediately upon my reaching head-quarters, is, *the ratification, by the Mexican government, of a definitive treaty, establishing peace between the two countries.* No power or discretion whatever—no shadow of any such thing, is vested in me, with respect to the suspension of hostilities. So far as this measure is connected with my mission, or can by any possibility grow out of my mission, it cannot take place except upon the occurrence of a state of things *strictly defined by the President.* A treaty of peace and amity, such as I am empowered to make, must first be concluded, and not only concluded, but *ratified* by Mexico; and then, upon notice of this state of things, given by me to the respective commanders, the order for the suspension of hostilities is to come into force, this order being the President's order, emanating from him, through the appropriate departments, and not *my* order. To represent it as mine, strikes me as being no less obviously erroneous, than it would be to state that the generals of the army under your command had been subjected to the authority of your aids-de-camp, and required to "defer" to them, because you had issued an order requiring the former to execute a particular movement, previously prescribed by yourself, whensoever they should receive from the latter a notice or direction to that effect. And the error would be no less palpable, if, instead of the course pursued by the government, in issuing to yourself and to Commodore Perry the *provisional* order which you have received, the President had judged it to be expedient and necessary that you should never hear of the proposed treaty until it should have been ratified on the part of Mexico, and I had been instructed *then* to notify this fact to you, and to require you, in his name, to suspend hostilities.

So long, then, as the two countries *shall continue to be in a state of war*, the operations of our forces in Mexico cannot, by the remotest possibility, be affected by the fact that I am charged with the duty of making that notification. So far as those operations are concerned, the case now stands, and cannot but continue to stand, precisely as if negotiations for peace had taken place at Washington, and as if no order for the suspension of hostilities had issued until after those negotiations had been brought to a successful close. The only difference which can result from our government's having a diplomatic representative on the spot, is, that the restoration of peace may possibly be thereby hastened. And the only difference made by this agent's being instructed to give notice of its restoration, (instead of waiting till this could travel from Mexico to Washington, and back again from Washing-

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ton to the army,) is, that the calamities of war would be arrested a month or two, or more, the sooner; and that this very consideration might, in itself, be the cause of peace, by determining the enemy to conclude a treaty which, otherwise, he would be unwilling to enter into. On your part, sir, above all other men, this certainly could not be objected to; for, unless my memory deceives me, our batteries before Vera Cruz were, in your official despatch, reported as being in "a state of *awful* activity," an epithet which struck me at the moment as being a somewhat unusual one in artillery technicals, although the National Intelligencer very soon afterwards accounted for it to my entire satisfaction, by the assurance which it gave our country, that you are "distinguished for humanity," an assurance which receives the strongest possible corroboration from the little word thus inadvertently dropped from your pen.

In a word, sir, the course determined upon by our government, respecting the suspension of hostilities, is what any man of plain, unsophisticated common sense would take for granted that it must be; and it is not what your exuberant fancy and over cultivated imagination would make it. The question truly presented by it, and it would require very skilful sophistry, indeed, to make our country believe that this could be otherwise than obvious to any man occupying your position, is *not* whether the immediate command and direction of the United States forces in Mexico is to continue to reside in the senior officer of the army present, or is to be transferred to some person not belonging to the army. The question is, whether the government of the United States is to be permitted by General Winfield Scott to discharge its international functions and duties in its own way, and by agents of its own selection, when he may have taken a fancy to relieve it of the trouble of attending to them, by himself settling the preliminaries of peace, in adjusting the terms of that "armistice" with regard to which he has judged proper so vehemently to assert his own exclusive competency.

It may be remarked, that, even if the order thus prospectively given by the President, instead of having reference to a notice of the happening of a certain anticipated possibility, (which it was deemed expedient and necessary not to refer to specifically in the order,) had directed that hostilities should be suspended upon the receipt of a *requirement* from a secret and confidential agent of the government; even in this case, a genuine, as contradistinguished from a merely verbal or formalry "respect" for the authority of the constitution, would be likely to suggest to any commander receiving such order and habitually entertaining such genuine sentiment, at least to abstain from all premature determinations to treat it as a nullity. He might, through love of country and forgetfulness of self, make up his mind, should the order take effect under circumstances rendering it destructive of the public weal, then to disobey it. But he would scarcely show haste to make a parade of this determination, or to set to his army an example of insubordination by any unnecessary disclosure of even this contingent intention before those circumstances had become matter of fact and of positive

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knowledge, and whilst they had as yet not ceased to be the coinage of an imagination ready to impute to the chief magistrate elected by our country—aided in his deliberations by the eminent citizens whom he had called around him for the purpose—a course of proceeding so imbecile as to awaken surprise that the bare possibility of its having ever been contemplated by them should suggest itself to any sane mind.

With regard to the choice made by the President of the person to be charged with the measures dictated by him for bringing about the state of things whereof notice is thus to be given, I, sir, do not entertain a doubt but that far better selections might have been made; and that it has fallen upon myself solely in consequence of the peculiar circumstances of the juncture. Among these far better selections, the best of all, perhaps, would have been the present commander of our land forces in Mexico. This would have been attended with one advantage, at least, that of precluding all danger of this attempt to restore peace being rendered abortive by collissions in regard to "military rank." But if the President has proved himself not duly sensible of this consideration, added to the many others, which should doubtless have weighed with him in favor of the appointment now referred to; and should he hereafter have cause to repent that he did not make it, no part of the blame can ever attach to me, for he knows that the sin thus committed by him was not in any way participated in by me, except so far as my consent, in reply to his own spontaneously expressed wish, no less undesired than unsought on my part, may have made me one of the guilty.

My instructions (which, as has already been stated, I am authorized to make known to you, and had intended to exhibit to you) show that no ground exists, either for the supposition you have made, that the object for which I have been sent here is, to "*petition*" *the enemy to* "concede an armistice," or for the apprehension which you express, that the communication from the Secretary of State of the *United States of America!* to the Mexican Minister of foreign relations, may be of a nature to "*commit the honor of*" *the government of our country;* although this patriotic solicitude, most assuredly cannot fail to be duly appreciated by that country, and most especially by all sticklers for military subordination within the army, and for the strict enforcement of the respect due from the military to the civil authority. Equally groundless will be found to be the supposition that "the chief clerk of the Department of State" can have been taken from his desk, and sent to the seat of war in the heart of the enemy's country, "clothed with military rank over" the senior officer of the army of the United States! The propriety of its finding a place in the reply of that senior officer to the communication which, in the discharge of the duties confided to me, I found it necessary to address to him, is a point which does not call for remark from me. The merits of this jeu d'esprit, as a specimen of delicate and refined irony, so peculiarly appropriate, too, in reply to a letter so offensive as mine, I willingly leave to the good taste and good feeling of our countrymen.

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They will not fail to do justice to it also, as a model of the respect due by all public servants to the office and the authority of the President of the United States.

The communication from the Secretary of State to the Mexican minister, in regard to which you express surprise, (or perhaps *indignation* may be the meaning of your note of exclamation,) that it should have been enclosed to you for transmission "sealed," was so sealed because it was deemed proper that it should bear the seal of the Department of State of the United States; and in this there was no departure from the established practice in similar cases. It was intended, however, that you should be made acquainted with its contents, as well as with every thing else relating to the subject, by means of the copy in my possession; and I had supposed that this intention was sufficiently expressed in my former letter, though from the haste in which it was written and despatched, (and which did not allow me to retain a copy,) it was doubtless very imperfect in more than one particular. But, had no such intimation been given, and had no such intention existed, the doctrine which should deny to the government of the United States the right to send to its agents or officers abroad, civil or military, for transmission to foreign governments, any communications which it might be deemed necessary to make, and in such state, sealed or unsealed, as it might be deemed appropriate to the occasion, such a doctrine would, so far as my very limited knowledge extends, be a most extraordinary innovation in the conduct of public affairs. Nothing is more common than to send naval commanders, of any and every rank, to sea with "sealed orders;" which, although addressed to *themselves*, and relating to public interests *entrusted exclusively to them*, they are required not to open for weeks or months thereafter, or not at all, except upon the occurrence of a certain contingency. And if this be considered as not affecting their honor, and as not giving them the right to take their government to task, either by the device of notes of exclamation or by less condensed modes of expression, it strikes my poor judgment as following, *a fortiori*, that no such right can arise from the transmission, through them, of a sealed note to a foreign government, upon matters *totally distinct from their own professional duties.*

The haste in which the communications for the Mexican minister of foreign relations was despatched to you, arose from the utter uncertainty in which I found myself, whether the state of things then existing in the interior might not be such as to present a crisis, rendering it of the highest importance to our country, and to Mexico likewise, that the moment should be seized for the delivery of that communication. It was the President's intention, when I left Washington, that it should be delivered immediately upon my arrival in this country, and that it should forthwith be placed in the hands of the general-in-chief of our forces for this purpose. By transmitting it to you, and making the intention of the President known, my duty in regard to it is fulfilled. At the same time, had I been aware that the circumstances of the moment were decidedly unpropitious for its delivery, I should have deemed it my duty,

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perhaps, to retain it, or at any rate to recommend, at the moment of placing it in your hands, that its transmission should be delayed until a favorable change should occur, or at least until further instructions could be received.

Under this view of the subject, I do not regret that its transmission has been delayed until I shall have reached Jalapa; although I cannot, I must confess, assent to the correctness of the ground upon which your determination thus to delay it is placed. It is impossible for me to perceive how it could have been inferred, from the extreme anxiety evinced by me to transmit that communication to you *at the earliest possible moment*, that it was contemplated by the instructions under which I so acted, that you were to retain it until my arrival at "the moveable head-quarters."

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[No. 6.] PUEBLA, *June* 3, 1847.

SIR: To-day, about 12 o'clock, I accidentally learnt from one of the officers who visited the house where I am staying, (General Persifor Smith's head-quarters,) that a train is to leave this place for Jalapa to-morrow morning. This intelligence found me engaged in the examination of a number of Mexican papers, of straggling dates, from the 1st to the 11th ultimo, the first which I had been enabled to obtain since my arrival here on the 29th, although I had authorized a person who I knew would omit no effort to accomplish the object, (for he has himself a deep personal interest in the matter,) to pay any price within reasonable bounds for a file of papers embracing the last two months. He yesterday found, in a stable, and brought to me, one half of the "Republicano" of the 10th May, which he conjectured had been dropped there by some Mexicans who had just come in from that direction with horses, and from whom he subsequently succeeded, through the agency of the landlord of the inn, in obtaining, at half a dollar a piece, the papers above mentioned, eleven or twelve in number, which he brought to me late last night.

They afford the only means which have come into my possession of forming an idea of what has been, or may now be, going on at the capital. The ignorance on this subject seems to be universal and *entire*. Even **********, who has acquaintances in all these parts among the most intelligent business men, and whose long residence in the country has qualified him for finding out and understanding what is taking place, is completely in the dark, unable to tell me what is the meaning of this presidential election, which was to take place on the 15th ultimo, and which is now spoken of as not to be decided until the 15th instant.

Such passages in the papers referred to, as seemed to shed a glimmer of light upon the prospect ahead, I have made translations of, which are herein enclosed, on six closely written pages.

I enclose, also, a letter addressed to me by a gentleman, whose name will be communicated hereafter. Being struck with the

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clearness and comprehensiveness, as well as the justness, of the views expressed by him in conversation with me, I requested him to commit the substance to writing, which he has obligingly done. I beg leave to call your attention to the part relating to the point *below* the Paso del Norte, to which he attaches *great* importance in a military point of view. If deemed proper, the boundary defined in my instructions might easily be modified in accordance with this suggestion, (as far as regards that post,) by saying, "up the middle of the Rio Bravo to the 32d degree of north latitude; thence due west to a point due south of the southwestern angle of New Mexico; thence due north to the said angle; thence along the western boundary," &c. I will add, that he has not the slightest idea of what my instructions contain on this or any other subject.

I have been occupying part of my time here in making a cipher, which I shall probably have frequent occasion for. A duplicate and key can be made at the department, by sending to my daughter for a copy of the smallest of the books (there are several at my house) which she packed up for me, the work of our old instructor, who was sent to Spain as consul. Let the letters of the prefatory address "To the British nation," (excluding this title,) be *numbered* from *one* onwards, until every letter of the alphabet is reached except z, (which I represent by *zero*.) Each of the letters, with a few exceptions, has *three* numbers corresponding to it.

I have the prospect of a confidential interview with a most important personage here, through whom a knowledge (a very limited one, of course) of the object of my mission may be imparted to the most influential power of the State, and to all disposed to cooperate with them. They are evidently beginning to be seriously alarmed, and a plain statement of facts, as to the certain consequences of the continuance of the war, will greatly increase the alarm.

My position personally could not be more agreeable than it is, as a member of General Smith's family. He is a perfect gentleman, of a most frank and amiable disposition, and totally free from pretension, and of a fine, clear, comprehensive mind. As a commander, his officers say he has no superior; perfect master of his profession, and as distinguished for composure and perfect imperturbableness under fire as old Zack himself.

On my arrival here I received a letter from General Scott, to which I shall make no reply, (as I informed the aid, Lieutenant Hamilton, who handed it to me,) and which I will transmit at some other time. No other communication has reached me from him; and, as was stated at the beginning of this letter, it was through accident only that I became informed of the opportunity for writing afforded by the train for Jalapa to-morrow morning. The officer who gave me the information said, "Of course you know there will be an opportunity for sending letters down to-morrow."

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. James Buchanan,
Secretary of State.

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JUNE 2, 1847.

DEAR SIR: At your request, I put in writing some remarks made the other day on the subject of the present war.

The object of a war, at any period of its continuation, is not necessarily that for which it was commenced: it is therefore unnecessary to go back to the beginning of this, as Mr. Calhoun has done, to learn how it can be waged or concluded with honor; the more so in this case, where the war was not begun by us. What objects have we to gain *now*, and how can we honorably obtain them? These are the questions to determine.

We have three points—indemnity, boundary, and maintenance of the national honor. All these may be secured by treaty, if the Mexicans consent to negotiate; but they have hitherto refused in such a manner as to preclude any further direct propositions from us. And it is certain that, if the change of government now taking place among them, does not eventuate in an administration willing to treat with us, we cannot look for peace for a long time to come. Suppose the war party to prevail—What should be our course? In other words, how shall we then secure indemnity, boundary, and honor?

The defensive policy advocated by Mr. Calhoun would, in some measure, secure the two first, but at the evident expense of the last. Mexico could say to us—Depending on your superior wealth and strength, you have invaded and occupied a remote part of my territory, almost unpopulated, and separated from all my resources by difficult passes and wide deserts; strong as you are, you have not dared to meet me in battle, except at my great disadvantage; you cannot aspire to be even the robber—you are only a thief: and probably believing what she thus said, our possession of the occupied territory would always be disturbed by her efforts, more or less effective, to recover it. No line that we can occupy, even the Rio Grande or Nueces, and the 42° of north latitude, can secure us any shadow of tranquility, while the question of superiority in arms is undecided, even to the point fixed by Mexican boasting.

If this was true before we undertook any invasion, it is more plainly so now, since an invasion is an acknowledgment of its truth, and is, besides, a threat we are bound to execute. Having executed this threat, and settled this point of honor, we are then at liberty to assume a line of boundary which shall at once secure our claims of indemnity, and fulfil those of conquerors. I may as well pursue this branch now, and revert to the point of honor.

In the first place, it is due to our own character, and to the high principles of justice which we profess, that we should limit our gains to the smallest extent possible, and incur no reproach for grasping and insatiable avarice. In the next place, it is not our interest to acquire a territory containing much population, especially if the latter be, as is the case in northern Mexico, of a mixed colored race. And, finally, our acquisitions should be such as not to excite disunion among ourselves.

I propose the line of the Rio Grande up to a point *thirty miles*

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south of the town of Paso del Norte, and then following out that parallel of latitude to the Pacific, or gulf of California, as the case may be; but if it intersects the main stream of the river Gila, then to follow that to the gulf. This would give us all the ports we desire on the Pacific; and at Paso del Norte, which is the first very fertile spot on descending the river, could be established the main post for defending that frontier: the line from that to the gulf of California, being very mountainous, would require but few troops.

Another line suggested is from Tampico, by Megianetzin, San Barbara, Tula, Labradores, Saltillo, Parras, and the upper part of Sinoloa: this is a strong line, by posting troops at Victoria, Linares, Monte Morelos, and Monterey, and occupying the advanced points in the mountain passes in front of them. It includes a vast and rich country, with many inhabitants. It is too much to take. The population is mostly as dark as our mulattoes, and is nominally free, and would be actually so under our government. The north would oppose taking it, lest slavery should be established there; and the south, lest this colored population should be received as citizens, and protect their runaway slaves. I do not think a treaty, including that territory, would be ratified by the Senate; much less would the occupation and government of it, without treaty, be authorized by a law. I will, therefore, assume the Paso del Norte line as that to be finally taken, and now go back and inquire—When can we with "honor" place ourselves on this line?

I assume that if negotiations are not opened on the conclusion of the pending elections in Mexico, there will be no peace. I will also assume that Congress will never authorize the raising of an army of one hundred and twenty thousand men, necessary to occupy and govern all the States of Mexico as a conquered territory. A force of ten thousand men, exclusive of garrisons and sick, can successively march to and occupy all the principal cities, but to no advantage to ourselves; for, occupying the territories either by the large force simultaneously, or successively by the small one, will end by debasing the morals of the soldier, and teaching habits of plunder and rapine.

It remains, therefore, to fix the period at which (there being no hope of peace) we can with "*honor*" abandon the plan of invasion, having obtained all the advantages it can afford, and take up the new system, less expensive and more convenient to ourselves. I fix that period at a proper interval after the entry of our army into the city of Mexico. When we have accomplished that act, we can say to the Mexican people—You have upbraided us with attacking your remote and thinly populated districts, and have threatened, when we approached your large cities and populous valleys, to meet us and drive us back into the sea: we have accepted your challenge: we have attacked and captured your strongest fortresses: we have met your best appointed armies, and defeated them: we have marched through your largest cities, and at 300 miles from the sea have entered your capital, and now stand with our feet on your very floors; we have done all that the honor of our name demanded; and now, after all these successes, offer you the same lib-

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eral terms of peace that were at your disposal before you tried the fortunes of war. Will you now accept them? If you do not, we have no more proposals to make, but shall henceforward pursue a system solely dictated by our rights and our convenience.

If, as would probably be the case, this offer be refused, General Taylor should be directed to send that part of his force intended to be placed on the line, by the way of Parras and Chihuahua, to Paso del Norte and Santa Fé. This army should, at its leisure, fall back so as to occupy Perote, La Hoya, and Jalapa, in September, and, despatching all the sick and extra stores in advance, reach Vera Cruz in time to embark the beginning of November; part of the boundary line, by the way of the Rio Grande, and the rest for the different Mexican ports on the coast; all of which should be garrisoned by our troops, sustained by the navy.

This boundary and these posts on the seacoast can be maintained at a cost very little beyond what the army will require if peace be made, and will be a constant pressure on Mexico, which may finally bring her to reason. But it is absolutely necessary that this change of system should be in the first place preceded by our occupation of the city, lest it be attributed to a failure on our part in the invasion, and should not be delayed so long after that success as to appear to have been chosen only on discovering our inability to select and execute something preferable; it must come in as part of the plan adopted from the begining, and carried out in the face of all opposition, without variation.

[Referred to in Mr. Trist's No. 6.]

HEAD-QUARTERS OF THE ARMY,
Puebla, May 29, 1847.

SIR: Your long studied letters of the 9th and 20th instant, making 30 pages, in reply to my short note of the 7th, were handed to me under one cover at Jalapa, the morning of the 21st, when you knew, being on the spot, that I was about to march upon this place. Occupied as I was with business of much higher importance, I did not allow the seal of the package to be broken till the evening of the 22d, which I took care to have done in the presence of many staff officers. One of them, at my instance, read a part and reported to me the general character of the papers. I have not yet read them.

My first impulse was to return the farrago of insolence, conceit and arrogance to the author; but on reflection, I have determined to preserve the letters as a choice specimen of diplomatic literature and manners. The Jacobin convention of France never sent to one of its armies in the field a more amiable and accomplished instrument. If you were armed with an ambulatory guillotine, you would be the personification of Danton, Marat, and St. Just, all in one.

You tell me that you are authorized to negotiate a treaty of peace with the enemy—a declaration which, as it rests upon your

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own word, I might well question; and you add, that it was not intended at Washington that I should have anything to do with the negotiation. This I can well believe, and certainly have cause to be thankful to the President for not degrading me by placing me in any joint commission with you.

From the letter of the Secretary of War to me, of the 14th ultimo, I had supposed you to be simply authorized to propose, or to concede to the enemy, the truce or armistice which usually precedes negotiations for a peace, and my letter to you was written on that supposition. If the terms of military conventions are left to me, the commander of the army, I have nothing more to desire or to demand for its safety.

In conclusion—for many persons here believe that the enemy, 20,000 strong, is about to attack this place—I have only time to ask you, in your future communications to me to be brief and purely official; for if you dare to use the style of orders or instructions again, or to indulge yourself in a single discourteous phrase, I shall throw back the communication with the contempt and scorn which you merit at my hands.

I remain, sir, officially, &c.,

WINFIELD SCOTT.

To Nicholas P. Trist, Esq.,
&c., &c., &c.

A true copy:

GEO. W. RAINES,
Lieutenant, and A. A. D. C.

From the "Bulletin of the Democracy,"—Mexico, May 1, 1847.

[This is a new paper, violently opposed to Santa Anna.]

"GENERAL BASADRE.

"We have just learnt that this gentleman has set out to-day for the States of the interior, and we have heard some unfavorable comments on the subject. It is said," &c., [here some remarks upon the general's conduct on previous occasions.]

"And what, it is now asked, may now be the mission of General Basadre? The replies are various, and even contradictory, although most of them are to the effect that he goes charged by the ministry to negotiate in certain States to bring their authorities to consent not to oppose the *foreign mediation* which the government has it in contemplation to admit; to dispel the impressions which the disaster of Cerro Gordo may have caused against General Santa Anna, so that the legislatures may elect him president; and finally, if his election should prove impossible, to negotiate, in order that it may fall upon some person who shall be under the exclusive influence of the peace party, as are Ocampo, Elorriaga, and Anaya. Unhappy country!"

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"FOREIGN MEDIATION.

"The *Diario del Gobierno* has recommended, in good terms, that this shall be admitted; and it is added, by public report, that Mr. Minister Baranda is the author of the article in which this mediation is indirectly recommended. Be on the alert, ye legislatures and governments of the States."

From the same paper—May 4, 1847.

"IMPORTANT—FOREIGN MEDIATION.

"In our two last numbers we have informed the public of the advanced steps which were being taken in this most grave business, in which the ministry did not appear to be pursuing the straightest and most becoming course. The report of the committee (of which Messrs. Otero and Lafragua form part) recommending that the proceedings on the subject of the mediation offered by the English government should be referred to the executive, in order that this branch of the government should determine upon the subject, in accordance with its faculties—which, in truth, amounted to saying 'let the mediation be admitted.' This report having been rejected by the house, it now appears that the government, consulting nothing but its incapacity, its supineness, and its want of courage, and above all its audacity towards the Mexican people and its debility towards the enemy, has resolved to venture the whole, and under its own responsibility to accept the said mediation. Señor Baranda, as is affirmed, is the man who has loaded himself with this responsibility, instigated by Santa Anna; and sure that although he may sell and sacrifice the country, he will enjoy the same impunity that he did for the famous decree of the 29th November.

"Señor Anaya has been dragged to the brink of the precipice, carrying the country with him.

"We knew, and we know, that Señor Anaya cannot be a fit president for a time of war; as neither can Elorriaga or Ocampo, nor any other over whom the peace party *exercises exclusive* influence," &c., &c., &c.

From El Republicano—Mexico, May 10, 1847.—Leading editorial.

"PRESIDENCY OF THE REPUBLIC.

"The popular election of the high functionaries of the State has, in some cases, the disadvantage, in others the advantage, of being the result of the impressions by which the multitude are affected at the moment," &c., &c., &c. "By the decree of the 1st of April of this year, the State legislatures are to proceed to the election of president of the republic on the 15th of the present month, (May.) The circumstances under which this important act is to be performed could not be more grave or solemn. The republic panting in a struggle of life or death, the army destroyed, the

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greater part of her territory occupied by the invader, the very capital closely threatened, in no case," &c., &c.

"So that if we attend solely to our critical state, the approaching election of president might appear a matter of great delicacy; but upon taking a broader view of the subject, it is easy to perceive that it offers at present fewer difficulties, fewer conditions to fulfil, than under other circumstances incomparably less sad than the present. Because, in the first place, the signification which should be attached to the election of our first magistrate is simple, for this is the character of the great question which now pre-occupies all minds. Peace or war is the only thing which, at the present day, is to speak the character of the person to be elected to govern us. Peace or war is the first question now agitated, and before the urgency of which all others have disappeared. Peace or war, therefore, is what the result of the election is to signify.

"Inasmuch as the discussion of the project of a constitution is already far advanced and about to close, the continuance in office of the President now to be elected will, according to every probability, be exceedingly short; and consequently it is not necessary, with reference to the future, even to take into consideration the political creed upon other points which may be held by the chief magistrate whose election is impending. *Happy should we be*, if, during the ephemeral existence which is allotted to him, *we could be exposed to the risk of his occupying himself upon other subjects, in consequence of his having first brought to a happy end the war in which we are now straitened.*

"Nor must we allow ourselves to be governed by such an error as would be that of seeking for a man whose qualities should correspond to the difficulties of the circumstances. If this were the problem, we should confess that the acts of the legislatures should come in blank; for we do not know, the nation does not know, the man whose high personal qualities are equal to cope with the precipitancy and violence of the events of the day. But we must not deceive ourselves. They are not to be controverted by one man, but by the whole country; and therefore what we should seek for is a candidate who, desiring the confidence of the country, can cause it to rise (the whole of it) at his voice; one who will not meet with invincible resistances from any of the parties existing among us, and who therefore shall be able to bring into play all the elements of resistance which reside in the nation.

"Thus it is that the signification which, according to our view of the matter, should be attached to the election of President, is simple and easy to be found; for the determination in favor of war is now general, even amongst many of those who formerly were for peace," &c., &c., &c.

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From the same paper—Mexico, May 11, 1847.

"*National Congress, session of the 29th April*, 1847.—The delegation from the State of Chihuahua presented the following protest, &c.

'*Protest of the permanent delegation of the State of Chihuahua:*

'The delegation from the honorable legislature of,' &c., 'with a view to saving the rights and interests of their constituents, protest before the nation and the whole world against the force of the United States, which has invaded the territory of the State,' &c., &c.

'They protest, in the name of the State, against any treaty of peace whereby all or any of the citizens of Chihuahua should lose their character of Mexicans; and they recommend most earnestly that no treaty be concluded or ratified by Mexico which shall not establish a sufficient security that neither the government of the United States, nor the citizens of that nation, shall buy from the savages the plunder obtained by robberies committed within the Mexican territory; nor furnish them, on any account, with means for making war; nor drive them upon our territory by purchasing from them their lands; nor favor their incursions, directly or indirectly.

'Finally, they declare that the State of Chihuahua, free, sovereign, and independent in her internal government, is a constituent and integral part of the Mexican republic,' &c., &c., &c.

On motion of Señor *Lafragua*, [see his name before,] resolved,

"That Congress has heard with the most profound sentiment of satisfaction the patriotic protest, which in moments so solemn the permanent delegation of, &c., has presented on the subject of the war," &c., [order for printing and distributing amongst the States.]

The same paper contains an address from the governor of Michoacan to the legislature, dated Morelia, April 29, 1847, urging them to make the following protest: [the result not given.]

"May the legislature, therefore, be pleased to protest, as the Executive protests, before the republic and the world, that never, never, never will it recognize any treaty which may be made on the subject of peace with the United States, unless their forces shall previously have disoccupied our entire territory; and unless that government shall recognize our right to a proper indemnity for the evils which it has caused us."

In the address which thus concludes, the following passage occurs in regard to the condition on which it is supposed that peace with the United States could alone be obtained:

"Peace, peace would be for Mexico, at the very moment, but the stamp of indelible ignominy, and for her new conquerer the most advantageous condition. Let us examine for a moment what would be the conditions that he would impose. To take of our territory such and such parts as might permit him to establish himself on

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the Pacific by direct communications with his Atlantic possessions; to compel us to pay him the expenses of the war, swelling the amount by interests, and charges for advances, and premiums of exchange; and finally to seize upon a guaranty for the punctual payment of such demand; and by way of guaranty, none more convenient than that which he has already indicated, to hold in his keeping all our ports. Now, for Mexico, all this would be to lose over the hope of ever being able to pay her enormous national debt —to lose, in the proceeds of the maritime customs, the possibility of meeting, without great vexations upon her citizens, even the expenses of her internal administration," &c., &c., &c.

"*Renunciation of the presidency before the National Congress, by General Don Antonio Lopez de Santa Anna.*

[This document, under date Mexico, 28th May, 1847, has been circulating here in the streets for two or three days, hawked about according to the custom of the country. The motive of his resignation is thus stated:]

"The men who fear to defend the country, who aspire to peace, see that they cannot attain it so long as I shall be at the head of the government, because they know that my determination has been to fight until death. The various parties who have torn each other to pieces, and who even at this moment forget the common peril, are playing away their aspirations and hope, by means of a change, to become lords of the power which is already escaping from the hands of the nation, unless a powerful and decisive effort be made to defend it. The views of the external enemy, the conflicting interests of parties in the interior, have fixed their regards upon my person—the common target of all; and I find myself placed in a position, I will not say dangerous, for I do not fear danger, but exceedingly difficult, and in which I can do nothing. *The endeavors at a revolution are a matter of public notoriety*, and the government holds in its hands the clue to the plot; and it is also notorious that the enemy does not dare to advance from Puebla upon Mexico, in pursuance of his impudent boast, unless he be aided by a revolutionary movement of this capital. This revolutionary movement I can ward off by a word; and this word it is my duty to utter, as the last and most efficacious service which it is left me to render. It is the formal renunciation, which I make by the present note, of the presidency *ad interim* of the republic, with which I have been honored by the nation. My conviction is, to intimate that I do not hesitate to affirm that I ought not any longer to remain in the post, nor even retain the title of President of the republic. Accordingly, I entreat the sovereign Congress immediately to accept this renunciation at my hands, and to declare itself to be in permanent session, in order that it may appoint the person who is to take upon himself so delicate a charge," &c., &c., &c.

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[Of the result of this movement on the part of Santa Anna, nothing is known, by me at least. It has been currently reported in town ever since yesterday morning, (the 2d June) that a paper of the 29th had been received at head-quarters. What this may contain I know not.

It is to be remarked, that before this step was taken by Santa Anna, most if not all the ultra State-rights men and real liberals had probably left their seats in Congress. I infer this from various passages in the papers I have had access to; this being the plan resorted to by them for preventing the adoption of the new modification of the constitution of 1824, which they will not consent to, because it retains the exclusion of liberty of conscience, and the military and ecclesiastical favors.]

[No. 7.] PUEBLA, *June* 13, 1847.

SIR: Knowing how great must be the desire of the President to receive intelligence from this quarter, I despatched, by a courier to Vera Cruz, last Sunday night, a copy of a letter which I had just transmitted, in duplicate, to Mr. Bankhead, her Britannic Majesty's minister at Mexico. It had been my intention, when the arrangement for the departure of that courier was made, conjointly with another person to write to you; but no time was left me for this purpose, and I preferred sending the copy of my letter without accompaniment, to missing the opportunity altogether. Under the same cover was a second copy of the letter referred to in my No. 6, as having been received by me from a gentleman of great experience in this war, as well as of a very clear and comprehensive mind.

* * * * * * * *

The committee of Congress to which it had been referred, had reported in favor of referring it to the Executive, to be acted upon by it agreeably to its constitutional faculties; (and the way in which these would be exercised was looked upon as not doubtful;) but this report—which the newspaper in which I had seen it mentioned had spoken of as having been rejected—had not been acted upon, the vote upon it having constantly been prevented by one artifice or another of the two factions, the *puros* and the *moderados*, fearful alike of the responsibility of either passing or defeating the measure. I will add, that since this conversation with ******, I have read, in the Mexico "Courier Français" of the 28th April, General Santa Anna's letter of the 22d April, (after his Cerro Gordo defeat,) to General Anaya, the President substitute. The conclusion proves that he thought an exhortation against a "disgraceful treaty" as not being out of place, when addressed to the government at that moment: "You must not, my friend, give us up for dead. In the name of God, above all, do not allow yourself to conclude with the enemy a disgraceful treaty, which would make our position still worse." This, in itself, is nothing; and I should have passed it over as a mere ad captandum flourish, but for the

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other evidences of a disposition, at that period, not to enter into a "disgraceful treaty," but to abandon the position of refusal to listen to offers to negotiate.

It has for some time appeared to me perfectly obvious that the advance of our army upon Mexico (or, in other words, the occupation of that city) at this time, would be attended with consequences extremely adverse to peace; in a word, to the object which has constituted with our government the motive to the vigorous prosecution of the war. Should the Mexican government remain at the capital after its occupation by us, there would then be the plea of actual duresse, to oppose as well to the doing of anything, as to the validity of anything which might be done. But they certainly would not remain. They would disperse after appointing some remote place at which to meet; and this would immensely increase whatever advantages may now be possessed by those among them who are bent upon using all possible means for preventing the re-establishment of peace. This same view was expressed by *****, without any remark from me to elicit it; and being thus confirmed in its correctness, I purpose making it the subject of a communication to the general-in-chief. Aware that if any such ground were afforded, it might very possibly have the effect of inducing a determination to pursue a course of the reverse of the one suggested by me, I shall take particular care that my communication affords no ground whatever for the pretence that he has been dictated to, or interfered with in the discharge of his duties.

In my last, I stated that no intelligence of any sort had been communicated to me from head-quarters since my arrival. This still continues to be the case. My reply to General Scott, commenced on the road between Vera Cruz and Jalapa, and concluded at the latter place, (and of which a copy has been transmitted to you,) contains this passage: "The interests of the public service require that I be kept advised of the opportunities which are to occur by government expresses, or other public means, for sending communications to Washington; and this object can be fulfilled by a general direction on the subject, from the commanding general to the proper officers. The same reason may render it important that any intelligence received by the commanding general, respecting the political affairs of the country, be communicated to me. On the other hand, should any prospect open of the occurrence of the contingency upon which hostilities are to be suspended, no time will be lost by me in bringing it to the knowledge of the commanding general."

The intimations here conveyed proceeded from an excess of caution on my part, and not from any belief that anything of the kind could be at all necessary to secure such a line of conduct between public servants possessing even the most ordinary degree of common sense, and actuated by even the most ordinary degree of fidelity to the public interests. It appeared to me as a thing nowise admitting of doubt, that the general-in-chief, entrusted as he is with means of every kind for obtaining intelligence at the public cost, could not fail to consider himself bound in duty to the country to

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communicate to me any intelligence so obtained, which might be of the remotest interest to our government, in connexion with the object of my mission. In this expectation I am sorry to say I have been disappointed. Not even a newspaper has been communicated to me. I have even been prevented from obtaining a sight of papers, in consequence of their being retained far longer than is usual in regard to borrowed newspapers even in ordinary times. In one instance, for example, I heard, as a matter of common talk, that an interesting Mexico paper (in French) of the 29th May, had been received at head-quarters. Several days after, my inquiries after this paper proved so far successful, that I obtained the address of a French resident who receives it. Upon applying to this gentleman, I was informed that the governor, General Worth, had sent to him for it. I afterwards succeeded in obtaining one, and it proved to be the "Courier Français," containing, from the "Razonador," the most important indication that the Mexican press has afforded since the war began. The next day, the same thing happened in regard to several numbers of the "Republicano," or the "Monitor Republicano," (I forget which) down to the 30th of May, that had been received by an English merchant. They also, he informed me, had been sent for by General Worth; and they had been transferred by him to head-quarters: at least, I heard such papers spoken of as having been received there. Five days after, I again made application for them, and they had not yet been returned. To-day, Mr. Kendall, on visiting this house, (General Smith's head-quarters,) mentioned having seen and examined, either at General Scott's or at General Worth's, (I forget which,) a number of Mexico papers down to the 8th instant. These are specimens of what is constantly occurring, and of the regard shown for the public interest in this respect. Had a different course been pursued, and had the newspapers so obtained, by virtue of the public posts occupied by the persons who possess themselves of them, been sent for my perusal, after they had served all the military purposes which they were susceptible of—had this been done, I should doubtless have discovered at a much earlier day—and greatly, perhaps, to the public advantage—how totally General Scott was in error when he informed me, that there no longer existed in this republic even so much as "a government *de facto*."

Among the papers mentioned by Mr. Kendall was one containing some intercepted correspondence to this army, which has been taken on its way from Vera Cruz to Jalapa, in charge of a Mr. Sowers and eight men. Mr. S. and three others were killed, and the remaining five captured. It seems to be a very extraordinary piece of business that such papers should be entrusted to such keeping, and I fear that it is likely to turn out a very disastrous one, for one of the published letters is said to be from Colonel Hunt, (quartermaster at New Orleans,) indicating an utter want of pecuniary resources in our government; and the Mexicans, so Mr. K. said, are exulting in the idea that our money has run out, and that all that is necessary is for them to hold out a little while longer.

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On the 2d instant, General Santa Anna withdrew his resignation of the presidency *ad interim*. At the time when I last wrote, it was impossible, with the lights I had, to form a satisfactory opinion in regard to the character of that proceeding on his part, the resignation. This point is now settled by the fact, which I can state with positiveness, that its withdrawal took place on the very day when it was to be acted upon *and accepted*. A want of firmness alone on the part of the majority in Congress, and not any lack of disposition to release him, has prevented the formal acceptance of the resignation without regard to the withdrawal.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

PUEBLA, *June* 6, 1847.

SIR: Perceiving, from the published accounts of the proceedings of the Mexican Congress, that a proffer of the mediation of her Brittannic majesty's government has recently been presented by you to that of Mexico, and finding myself placed at this moment, with reference to the same object for which that proffer was made, in a position of the gravest responsibility, it has occurred to me that I might, without any breach of the delicacy which belongs to the subject, venture so far as to address to you the inquiry contained in the present note.

I left Washington on the 17th of April, charged with a communication from the Secretary of State of the United States to the Minister of Foreign Relations of the Mexican republic, the object of which is explained by the following passage:

"The President will not again renew the offer to negotiate, at least until he shall have reason to believe that it would be accepted by the Mexican government. Devoted, however, to honorable peace, he is determined that the evils of war shall not be protracted one day longer than shall be rendered absolutely necessary by the Mexican republic. For the purpose of carrying this determination into effect with the least possible delay, he will forthwith send to the head-quarters of the army in Mexico Nicholas P. Trist, esq., the officer next in rank to the undersigned in our department of foreign affairs, as a commissioner invested with full powers to conclude a definitive treaty of peace with the United Mexican States."

This note was, immediately upon my arrival at Vera Cruz, on the 6th May, forwarded by express to the general-in-chief of the army of the United States, then at Jalapa, with a view to its being transmitted by him under a flag of truce.

From causes into which it is not necessary here to enter, the note has not yet been transmitted; and, until yesterday, I saw no reason to regret this delay, having been led to believe that there no longer existed "a government, even *de facto*, in this republic," to which the note from my government could be delivered. Of

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the entire erroneousness of this information I am now, however, fully convinced. The perusal of a few straggling numbers of various newspapers, published at the city of Mexico during the last month, has sufficed to make manifest that not only has a regularly organized government, complete in all its parts, and its authority universally recognised by General Santa Anna himself, the President *ad interim*, as well as by all others, been in existence, and in the undisturbed discharge of its functions, from the time when the commotions connected with the ejection of Gomez Farias came to a termination, but that the very period when the note from the government of the United States reached the hands of General Scott presented a juncture highly favorable for its delivery. The tone of the press at that time, and since, in regard to the dispositions of Señor Anaya, the President substitute, as well as of his Minister of Foreign Relations, and many leading members of Congress, with respect to the proffered mediation; the appearance of such a paper as the "Razonador," which, by its signal ability and its honest boldness, so nobly justifies the name it has assumed; these and other indications constitute proofs that cannot deceive in regard to the great benefits which must have resulted from the presentation of the note at that crisis; and amongst them, of the influence which it was calculated to exercise in the then impending election of President by the State legislatures.

This opportunity, however, is now irretrievably lost, in consequence of the changes that have probably attended General Santa Anna's return to the capital, and the non-acceptance, by congress, of the resignation tendered by him, which, as I am informed, was the state of things at that city so late as the 1st instant. My attention, therefore, is now given to the best practicable mode remaining for giving effect to this measure on the part of my government, before another conflict of arms at the gates of Mexico shall complicate the question still further, and place at yet greater disadvantage those Mexican citizens who have given proof at once of their patriotism and their wisdom, by avowing such views as those advocated by the "Razonador."

The best course which seems to be left me, under all the circumstances of the moment, is that which I pursue, in taking the liberty to address to you the inquiry, whether you would have any objection to receive (accompanied, of course, by an open copy for your perusal) the note from the Secretary of State of the United States, for delivery to the minister of foreign relations, and, meanwhile, to make known the existence of this note and my presence at head-quarters, so far as this knowledge may be deemed, by you, conducive to the opening of negotiations; the note of my government, when received by you, to be delivered immediately, unless it should appear decidedly advisable to await the installation of the new President; and should it so appear, then, so soon as his ministry shall be formed, or his minister of foreign affairs shall be in place.

Possibly the Mexican government, upon being made acquainted with the fact of your having received this communication, should

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it comport with your views to make it known, might deem it proper to despatch a flag of truce half way, to receive the note from a similar flag sent from hence, giving me, at the same time, the proper notice. My only motive in making this suggestion is, that *time* would thereby be saved; and that upon the saving of a day or two of time, everything may depend, so far as regards the prevention of further bloodshed, and such consequences as might ensue from a battle at the gates of the capital; the immediate issue of such a battle being a point upon which no one here entertains a shadow of doubt, and this army being, to a man, eager for it.

Possibly, also, the Mexican government might deem it proper, without waiting until the note from that of the United States should be actually delivered, to make the intelligence communicated to them respecting it the ground of a proposition, that this army shall suspend any further advance upon Mexico, until they shall have had time to receive and to consider that note. Should such a proposition be addressed to the general-in-chief of this army, fixing any reasonable period for the object, reference being had to the approaching installation of a new executive, and to the organization of its cabinet, I will recommend it to his favorable consideration. Upon him will devolve the duty of deciding upon the propriety of acceding to it; taking into view, on the one hand, the strong desire entertained by the United States to re-establish peace and amity with Mexico; and on the other, the bearings which such suspension of the advance of the army might have, as a military question, with regard to future operations, should the necessity not be obviated for the further prosecution of the war.

I am, sir, with great respect, your obedient servant,

N. P. TRIST.

CHARLES BANKHEAD, Esq.,
Minister plenipotentiary of her Britannic Majesty at Mexico.

PUEBLA, *June* 7, 1847.

DEAR SIR: The courier who undertook to deliver the enclosed to you this morning, got back to this place a little before day, having found the road *impenetrable*. The party consisted of three, and succeeded in forcing their way through several obstacles, but, finally, were compelled to retreat. I am desired, on the part of the person who now undertakes to deliver it, to say, that any answer which you may send to the house of —— ——, will meet with prompt despatch.

Acccept the assurance of my respectful and friendly remembrance.

N. P. TRIST.

CHARLES BANKHEAD, Esq.,
Minister plenipotentiary of H. B. M. at Mexico.

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PUEBLA, *June* 11, 1847.

SIR: I need not say how truly obliged I feel to yourself and to Mr. Thornton for the mode adopted to afford me an opportunity to place the enclosed in your hands; although my first emotion was one of mingled surprise and regret, that he should have exposed himself to the very serious personal risk attending such a journey; a point upon which my anxiety cannot but be intense, until I shall learn that he is again safely through the dangers of the road.

The conversation I have had the pleasure to hold with him, has confirmed the correctness of the grounds for the regret expressed in my former letter, that the communication for the minister of foreign relations of this republic had not been transmitted to him early last month.

The motive which actuated the President in causing this communication to be written, being a sincere desire to restore peace, and not the mere wish to throw upon this country the responsibility of protracting the war, the spirit of my instructions would, consequently, require me, under certain circumstances, to deviate from the intention of my government at the time I left Washington; which intention was, that the communication in question should be delivered at once, upon my arrival in this country. Nevertheless, from the nature of the subject, I cannot allow myself much latitude upon this point. My legitimate discretion with reference to it does not, as I conceive, go further than to authorize me to postpone the delivery of the communication in one case, and in one case only; that is to say, for want of a government, having an actual and positive existence, to whom it could be delivered, and by whom it could be considered and acted upon, under the responsibility to their own country and to the world, proper to all determinations upon questions of such deep import.

This I consider to be the limit of my discretion on the subject, unless I had the strongest reason to believe both that the actually existing administration of the government was one from whom a fair and rational consideration of the communication could not be expected; and that it was, at no remote period, to be succeeded by a new administration, of a different complexion. Except in a case where very strong reason for such belief should exist, I should deem it my duty to limit myself to the one condition already stated, and, without regard to the manner in which it might be received, to deliver the communication: provided only that there existed a government to whom it could be delivered, whose authority was sufficiently recognised to admit of its being considered by a candid world as the organ of the nation, by its acts subjecting that nation to the responsibilities which belong to one.

In availing myself of the friendly readiness evinced by you to take charge of this communication, I have to request, therefore, that you will govern yourself in regard to its delivery by the view here presented of my duty with respect to it, were I on the spot to see and act for myself.

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With respect to the fate which may attend this new effort on the part of the United States to bring the war to a close by means of an amicable and honorable understanding between the two parties, in which the views of both shall be consulted and shall exercise a fair and equitable influence, I will remark that I have become thoroughly satisfied, since my arrival in the country, of what I previously had been strongly inclined to believe: that a very important, if not the chief practical hindrance to the restoration of peace consists in the fact that the mode of conducting the war thus far pursued on the part of the United States, has inspired many with the hope that its indefinite protraction would prove highly advantageous to what, according to their views, is required by the interests of particular classes, or of the country at large. This is a delusion which, for the welfare of Mexico, cannot too soon cease. The conduct of the war here referred to is but one of many modes, all equally practicable. There is, most obviously, a natural term to it; and this term, manifestly, is not far off. Should the United States, by the persistance of the Mexican government in a course that sets at naught every recognised international principle with respect to states that have come into collision with each other, here again be baffled in their endeavor to terminate the war by a negotiation which shall sette down upon terms just and honorable for both parties, and mutually satisfactory, and should they in consequence find themselves compelled to take the matter altogether into their own hands, no one can fail to perceive that the necessity thus forced upon them must involve a course of proceeding radically different from that heretofore pursued; one which shall cut off from every interest in this country all hope of deriving benefit from the continuance of the war, and which must ultimately cause the country at large to find itself deprived of many advantages, which, down to this moment, it depends upon her government to secure for her. This necessity may be forced upon the United States, and the time has drawn very nigh when the point must be decided; and should the question receive a solution so contrary to their sincere wishes and earnest endeavors, there will at least be nothing of self-reproach to hinder them from conforming to its dictates, and from giving to the second phasis of the war a character no less decided and decisive than that which the first has received from the purely military operations proper to it. Whether their present endeavor to avoid this necessity is to prove as fruitless as were their repeated efforts to avert the war in the first instance, is the point now soon to be decided.

Accept, sir, the assurance of the most respectful consideration of your obedient servant,

N. P. TRIST.

CHARLES BANKHEAD, Esq.,
Minister Plenipotentiary of H. B. M. at Mexico.

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[No. 11.] AYOTLA, *August* 14, 1847.

SIR: I left Puebla last Sunday morning, the 8th instant, in company with General Scott, whose guest I now am, and reached this place (on the margin of lake Chalco, and within 18 miles of the capital) on the 11th, with the advance of the army, consisting of Gen. Twiggs's division. General Pillow, whose division formed the rear, arrived yesterday and took up his quarters near the town of Chalco, where he had been preceded the day before by General Worth. General Quitman's division had followed us; so that our forces are now concentrated within very short supporting distance of each other. The movement from Puebla has been everything that could be desired, no casualty of any kind having attended it, save the loss of a single man, a dragoon of Quitman's rear guard, killed through his own rashness in a rencounter with a comparatively large body of guerillas. The enemy, after expending great labor in fortifying a long chain of heights, forming the pass of Rio Frio, had left them unoccupied, as he had similar fortifications at numerous points all along the road from Jalapa to this place. The whole route, indeed, presents a series of natural defences which would have amply sufficed our countrymen to cut to pieces *any* army of one hundred thousand men that should have persisted in attempting the march from Vera Cruz to Mexico; and it would not have required more than a thousand of our riflemen to do it. There are hundreds of points where they would have decimated the enemy, under the certainty of effecting their retreat without the loss of a single man.

We are now in the presence of the Peñon, the last of their remarkable strongholds; outside of the city; though besides the obstacles presented by the lakes and marshes, and artificial inundations, and bridgeless canals, (a perfect labyrinth,) there are numerous others of a less distinguished rank in all directions; for they have fortified every point and pass within a circle of eight to ten miles.

The Peñon, midway between us and the city, is about eight and a half miles distant. The day after our arrival I accompanied General Scott to a spot between the main road and lake Tezcuco, about two and a half miles from that height, where we had it in full view, as well as a portion of the city beyond, including the cathedral. It (the "Peñon, or *Rocky mount*) rises from a plain, open all around, and is now surrounded with water. It has been *ascertained* to be a place of great strength. Yesterday, besides previous reconnaissances by Captain Lee and other officers of the engineers, Lieutenant Stevens of that corps passed the whole day in a close examination of it, its defences and armament, the result of which he reported in detail last night. He was the greater part of the time going from one spot to another round the height, about 1,000 yards from the batteries, wading about in the lake and the drowned land, in full view of the 10 to 12,000 troops collected there, including a large body of cavalry, and about a mile and a half from General Smith's brigade, sent out as his support; his im-

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mediate escort being *two dragoons*. One of these waded across the inundation (to try the bottom) to within about 300 yards of the enemy.

I give this as a specimen of our engineer corps; and there is not an arm of the service that would not afford, in its own appropriate sphere, proof of the same spirit; and, at the same time, proof that this was not considered by the actors as a thing worthy of note, but as much a matter of course as buckling on one's sword to go *on* parade. It is, indeed, a *noble* army, full of confidence in itself, and full of confidence in its commander. (And he gives every possible proof that this is nothing more than his strict due. To appreciate the man, to *know* him at all, one must see him in this sphere.) There is not a man in it (or if there be such, they keep silent) but is determined to make his way to the "Plaza" of Mexico, and who does not look upon this just like any other part of the *march*, only a little tougher work perhaps—a thing which is to take place at any rate—a matter about which there can be no sort of doubt. And it would be all the same if there were a dozen Peñons in the way, to be carried by assault, one after another.

The Peñon, however, will probably not be the point of attack. General Scott said to me the other evening that if he could take the city in one way with the loss of 800 men, and in another with that of 900, he would deem himself a murderer if he adopted the latter, however brilliant; and he evidently never loses sight of this principle.

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Hon. James Buchanan,
Secretary of State.

[No. 12.] Head-quarters of the U. S. Army,
Tacubaya, August 22, 1847.

Sir: On the night of the 14th instant, I despatched from Ayotla, in an incomplete state, my No. 11, the duplicate of which will be transmitted hereafter. Just as I was closing that despatch, a different plan from the one there mentioned was resolved upon by General Scott, in consequence of information then received respecting the road round lake Chalco, on the south side; which satisfied him that this route was not, as he had been led to believe, altogether impracticable for carts; in which case it would have been so, *a fortiori*, for our trains (numbering nearly 1,000 wagons) and heavy artillery. This fact, together with the uncertainty which still remained in regard to the state of the roads and the defences which we should find beyond Mexicalcingo, after carrying that post, brought him back to his first predilection; that is to say, for the route round the lake, which, for some weeks before leaving Puebla, he had strongly inclined to select as our way into the city. This selection has proved a most happy one. We commenced the march from Ayotla on the following day, (the 15th,) and on the 18th, after great toil in passing round the lake, the general head-

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quarters were established at San Augustin, a town on the main Acapulco road, where we had been preceded by General Worth. Thus far, there had been no fighting; but here evidently it was to begin, if ever; for the only road to the city (this road being the continuation of the one leading from Mexicalcingo to the capital, and on which we should have had to travel, had the plan been pursued of carrying that place) here consisted of a causeway, flanked on either side by flooded lands, (on the firmest spots of which a man would have been ankle deep in mud, and consequently impracticable for cavalry or artillery,) and intersected by a series of redoubts and batteries of great strength and very heavy metal. The first of these, about three miles by the road from San Augustin, was at the hacienda of San Antonio. It presented an obstacle so formidable, that, after the most careful reconnaissances—in the course of which Captain Thornton, of the dragoons, was cut in two, while supporting Captain Mason of the engineers, over whose head the ball passed—but little or no doubt remained that it would cost General Worth, who had approached it for this purpose, half of his division to carry it by assault.

Other reconnaissances were made on the day of our arrival at San Augustin; and the result being brought in by the engineers late at night, the determination was then taken to turn San Antonio, by opening a road through the hilly country, from San Augustin to an excellent turnpike which connects some manufactories with the city.

On this work General Pillow's division was detailed, to (commence operations on the morning of the 19th,) and that of General Twiggs to act as the support of the working party. This design on our part having become apparent, through the employment on the day previous of Captain Lee, of the engineers—whose supporting party had been attacked by, and had driven, an immensely superior force—the next morning (the 19th) the enemy appeared in heavy force, consisting of cavalry and artillery as well as infantry, occupying a position of very great strength, just beyond the turnpike to which I have referred as the one which our contemplated road was intended to enable us to reach with our wagons and artillery. There was but one possible track for this road; and this track, for the greater part of its length, was commanded by the position which the enemy occupied on the morning of the 19th.

The design, however, was not abandoned. Pillow's division went to work with their pickaxes and spades, with Twiggs in proper position to protect them. About three o'clock they reached a point beyond which the labor could not proceed without first driving the enemy, for there they came under the fire of his guns, 26 in number, and many of them of exceedingly heavy calibre. Owing to the nature of the ground over which our troops had to approach the enemy, and which was absoluely impassable for horse or artillery, or even for single horsemen picking their way, the work of dislodging him had to be done entirely by the infantry. Then commenced a series of actions, and a display of qualities on the part of our troops, which can never be properly estimated by

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our country—for this would require a detailed and personal knowledge of the inconceivable difficulties presented by the ground, and these aggravated by the weather—but which, I feel perfectly convinced, surpass in military merit anything that has ever occurred under our flag.

The battle of Mexico—as this series of most brilliant exploits is called—terminated about three o'clock in the afternoon of the second day, the 20th instant; the last point carried being Churubusco, a small town on the main road from Acapulco to Mexico, which we here again came upon, having left it at San Augustin. It is but three and a half miles from the capital; and our troops might beyond doubt, have penetrated there—possibly without any additional fighting—had not this been forbidden by considerations of humanity towards the unoffending inhabitants, to say nothing of the *reasons of policy* which stood in the way, or of the condition of our troops, who were in a state imperatively demanding food and rest. I must say in justice to General Scott, that he is never unmindful of *either* of these considerations.

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I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. James Buchanan,
Secretary of State.

Palacio del Gobierno Federal,
Mexico, 20 de Agosto de 1847.

El infrascrito, ministro de relaciones interiores y exteriores, tiene orden del exmo. S. Presidente interino de la republica de decir á S. E. el S. Buchanan, ministro de negocios extrangeros de los Estados Unidos de America, que no siempre el exito de las batallas acompaña á la justicia de la causa porque se'han dado: atendida esta y nada otra cosa, si otra hubiera que atendér, el gefe de los Estados Unidos Mexicanos ha combatido hasta el momento en que por sucesos que no és la ocasion de referir, las tropas de los mismos Estados Unidos de America se encuentran en las puertas de la capital: escuchando entonces otros deberes que tambien tiene como primer magistrado de su pais, y mando de las facultades que le competen conforme á su constitucion, ha resuelto se dé oido á las proposiciones que haya de hacér D. Nicolas Trist nombrado por parte de aquel gobierno, con tal que ellas sean ventajosas á las dos naciones y dejen á cubierto el honor de la republica Mexicana, como constantemente se ha dicho en las camaras de Washington y lo aseguró el ministro Norte Americano al gobierno de la Gran Bretaña, y en la inteligencia de que el gobierno Mexicano se prestará á que se abran preliminares de paz no pasando de un año el termino dentro del cual haya de celebrarse un tratado y sometiendose este, segun la constitucion del pais, á la aprobacion de la autoridad á quien ella comete esta atribucion.

La naturaleza de esta comunicacion no permite estenderse en

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ella, y crée el infrascrito que lo dicho és bastante para respondér la nota de S. E. el S. Buchanan de 15 de Abril ultimo, á quien con este motivo presenta las seguridades de su distinguida consideracion.

J. R. PACHECO.

A. S. E. el Sr. Ministro *de Negocios Extrangeros de los Estados Unidos de America.*

[No. 13.] Head-quarters of the U. S. Army,
Tacubaya, August 24, 1847.

Sir: The enclosed is the duplicate of part of my despatch No. 12, written on the night of the 22d, and sent off at daybreak the next day. I have since learnt that the courier bearing my No. 10, July 31st, enclosing a duplicate of No. 9, July 23–25, has been intercepted, and I do not know how many others of my communications may have shared the same fate; for yours under date the 14th June is the only one that has reached me since my arrival in the country. Mishaps of this kind are matters of no small moment to me in my present situation; the demands upon my time being greater than the utmost diligence can enable me to meet. To say nothing of the loss of it unavoidably caused by the hurry and bustle of camp life, in the heart of an enemy's country, those portions of the day (and very often of the night also, to a very late hour) which might otherwise have been spent in writing, have to a very great extent been passed in the company of General Scott, who, independently of the occasions requiring consultation with me, very naturally feels desirous that I should fully understand the views by which he is governed at every step taken by him in discharging the duties of the post with which he is entrusted. In this way I have necessarily been present not only at military consultations taking place daily, and running often into a late hour of the night, but also whenever an incident arose (and these have been many) of sufficient interest to render his determination upon the subject a matter of any consequence; whether with regard to the success of our arms, or in its bearings upon the object for which the war is waged, or in respect to the principles which govern his conduct towards the enemy and towards those placed under his command. Having thus been led to touch upon this topic, I must add that I have never, on any of these occasions, witnessed anything but what struck me as highly commendable, and as calculated to raise him in the estimation of all enjoying the like opportunities of understanding his character and his qualifications. These never can be done justice to by any one who judges of them as I had, by the mere surface which he presents to the world. A close insight renders more and more manifest, in proportion as it is enjoyed, his pre-eminent fitness in all material respects for the very trying position in which he here finds himself; and it fully justifies the confidence which the army reposes in him as a master of his profession, as a commander under whose direction they may

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confidently count that their success or their safety, or their comfort, will never be left to chance or hazard, so far as this can be avoided by vigilance and thoughtfulness, and a ready and skillful application, on every emergency, of the principles of the art of war, by one to whom practice and study have made them, and all details appertaining to them, perfectly familiar.

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I shall doubtless have occasion to recur to this subject; for, although I have hitherto looked upon the continued occupation of the country, even within the limits just indicated, as altogether out of the question, and have considered the plan of assuming a boundary as the only one which could be adopted in the event of our failing to obtain peace, upon taking their capital, (now within our grasp, *certainly;*) yet, it does now seem to me exceedingly doubtful whether the plan of continued occupation will not be in every respect the preferable one, provided reasonable grounds should exist for believing that it will not be necessary to run it into too great length.

I am, sir, very respectfully, your obedient servant,

———.

Hon. James Buchanan, *Secretary of State.*

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Head-quarters of the U. S. Army,
Tacubaya, August 29, 1847.

Sir: I have time only to refer to the enclosed, numbered from 1 to —, inclusive, as giving a connected view of what has taken place down to the time of my meeting the Mexican commissioners. This meeting took place on the 27th instant, late in the afternoon, at a village *eight* miles distant, instead of *two* miles, as I had been led to believe when I accepted the invitation. This distance from head-quarters being decidedly objectionable, for reasons which time does not permit me to enter into, I proposed another place about two miles distant, which has since been assented to; and we are to meet there to-morrow (Monday) morning. We met yesterday for the second time at Itzcapusalco, General Herrera being absent on account of an attack of gout. From what then took place, I drew a favorable augury. At the first meeting our respective powers were exhibited, and I remarked upon their (the Mexican commissioners) being restricted to the mere receiving of my propositions for transmission to the President for his consideration, observing that my powers authorized me to confer only with persons having the like authority. Nevertheless, I would deliver to them the propositions I had to make, which had been put in the form of a treaty, in the expectation that when we met to discuss the subject, their powers would correspond to mine. I determined upon this course, because it was obvious that if the sight of our propositions was to have the effect of preventing them from proceeding in the negotiation, this could take place just as well after they had re-

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ceived their full powers as before. This was, therefore, a point of mere etiquette, and I sacrificed it to the substantial advantage of gaining time, and of pleasing the other party by not taking a stand against their mode of proceeding at the first step. Yesterday I was informed that the government had my propositions under consideration, and that they would lead me on Monday *with powers corresponding to mine.* The determination of the President to give these powers has, it is to be observed, taken place *after* they had my proposition under consideration; certainly not an unfavorable symptom.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. James Buchanan,
Secretary of State.

[No. 1.] Head-quarters, Army of the U. S. of America,
Cuyoacan, August 21, 1847.

Sir: Too much blood has already been shed in this unnatural war between the two great republics of this continent. It is time that the differences between them should be amicably and honorably settled; and it is known to your excellency that a commissioner on the part of the United States, clothed with full powers to that end, is with this army, to enable the two republics to enter on negotiations. I am willing to sign, on reasonable terms, a short armistice.

I shall wait with impatience until to-morrow morning for a direct answer to this communication, but shall in the mean time seize and occupy such positions of the capital as I may deem necessary to the shelter and comfort of this army.

I have the honor to remain, &c., &c.,

WINFIELD SCOTT.

His Excel'y the President and General in Chief
of the republic of Mexico.

[No. 2.] Palacio del Gobierno Federal,
En Mexico, á 21 *de Agosto de* 1847.

Senor: El infrascrito, ministro de guerra y marina del gobierno de los E. U. Mexicanos, ha recibido orden del E. S. Presidente general-en-gefe de contestar á la comunicacion de V. E., en que le propone la celebracion de un armisticio con el fin de evitar mas derramamiento de sangre entre las dos grandes republicas de este continente, oyendo las proposiciones que haga para el efecto el comisionado del E. S. Presidente de los E. U. de America, que se halla en el cuartel general de su egercito.

Lamentable es ciertamente que por no haber sido considerados debidamente los derechos de la republica Mexicana, haya sido inevitable el derramamiento de sangre entre las primeras republicas del

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continente Americano, y con mucha esactitud califica V. E. de desnaturalizada esta guerra, no solo por sus motivos sino por los antecedentes de dos pueblos tan identificados en relaciones y en intereses. La proposicion de un armisticio para terminar este escandalo, ha sido admitida con agrado por S. E. el Presidente general-en-gefe, porque facilitará el que puedan ser escuchadas las proposiciones que para el termino decoroso de esta guerra haga el Sr. Comisionado del Presidente de los E. U. de America.

En consecuencia, me manda S. E. el Presidente general-en-gefe anunciar á V. E. que admite la proposicion de celebrar un armisticio, y para el efecto ha nombrado á los Señores generales de brigada D. Ygnacio Mora y Villamil y D. Benito Quijano, quienes estaran en el lugar y hora que me anuncie.

Tambien me previene S. E. el General Presidente que comunique á V. E. su deferencia á que el egercito de los E. U. tome cuarteles cómodos y provistos, esperando que estos se hallaran fuera del tiro de las fortificaciones Mexicanas.

Tengo el honor de ser con alta consideracion y respeto de V. E.

Su mas obediente servidor.

ALCORTA.

A. S. E. el General WINFIELD SCOTT,
En gefe del egercito de los E. U. de America.

[No. 3.] TACUBAYA, *August* 25, 1847.

The undersigned, appointed commissioner of the United States of America to the United Mexican States, with full power to meet and confer with any person or persons having the like authority from the Mexican government, and with him or them to negotiate and conclude a lasting treaty of peace, friendship, and limits, between the two republics, begs leave to invite the attention of his excellency the minister of relations of Mexico to the military convention establishing an armistice, concluded on the 23d and ratified on the 24th instant, and has the honor to state that he is prepared to meet the commissioner or commissioners on the part of Mexico, and to request that an early day may be appointed for the meeting, at some place which may be convenient to both parties.

The undersigned tenders to his excellency the minister of relations the assurance of his most distinguished consideration.

N. P. T.

[No. 4.] PALACIO NACIONAL,
Mejico, Agosto 26, *de* 1847.

El infrascrito, ministro de relaciones interiores y esteriores, ha tenido el honor de recibir y poner en conocimiento del E. S. Presidente interino de la republica la nota en que á consecuencia del armisticio celebrado con el general-en-gefe de las tropas de los Estados Unidos, el Sor. Don Nicholas Trist, comisionado del gobierno

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de aquella nacion, con fecha de ayer, manifiesta que esta pronto á tratar con el comisionado ó comisionados de esta republica, acerca de las proposiciones de paz que esta autorizado á hacer pidiendo se señale proximamente dia para la reunion en el punto que se estime conveniente para ambas partes.

El infrascrito ha recibido orden del E. S. Presidente para manifestar al Sor. Trist, en contestacion que ya se ocupa de nombrar á la mayor brevedad los comisionados para oir las proposiciones que tenga viene á hacer el mismo Sor. Trist, los cuales concurriran á las cuatro de la tarde del dia de mañana en el pueblo de Atzcaposalco como punto intermedio entre los que ocupan las fuerzas de ambas naciones, siempre que en esta designacion no encuentre inconveniente el Sor. Trist, á quien el infrascrito ofrece las seguridades de su distinguida consideracion.

J. R. PACHECO.

Al Sor. Don NICOLAS TRIST,
Comisionados de los Estados Unidos de America.

[No. 5.] TACUBAYA, *August* 26, 1847.

The undersigned, commissioner of the United States of America, has the honor to acknowledge the receipt of the note of this date, H. E. Señor Pacheco, Minister of Relations of Mexico, acquainting him that if no objection exists on his part to the place indicated, he will be met by commissioners on the part of Mexico to-morrow at four o'clock of the afternoon, at the village of Atzcapusalco, as being an intermediate point between those occupied by the respective forces of the two nations.

The undersigned has the honor to state, in reply, that he accepts with pleasure this invitation, in the hope that this first meeting will promptly be followed by a satisfactory settlement of all differences between the sister republics.

He renews to Señor Pacheco the assurance of his distinguished consideration.

N. P. T.

H. E. Don J. R. PACHECO, &c., &c., &c.,
Minister of Relations of the Mexican republic.

[No. 6.]

ANTONIO LOPEZ DE SANTA ANNA, GENERAL DE DIVISION, BENEMERITO DE LA PATRIA, Y PRESIDENTE INTERINO DE LOS ESTADOS UNIDOS MEJICANOS.

A todos los que el presente vieren, saber:

Que habiendo resuelto en uso de las facultades que me concede la constitucion federal, oir las proposiciones de paz que quiere hacer el gobierno de los Estados Unidos de America, por medio de su comisionado el Sor. Don Nicolas Trist, y teniendo entera confi-

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anza en el patriotismo, ilustracion, y demas recomendables circunstancias que adornan al E. Sor. General de Division, Don José Joaquin de Herrera, al Sor. Lic. Don José Bernardo Couto, al Sor General de Brigada, Don Ignacio Mora y Villamil, y al Sor Lic. Don Miguel Atristain, he venido en comisionarlos para que pasen al pueblo de Atzcaposalco á recibir y transmitirme las citadas proposiciones que viene á hacer el mencionado Señor Don Nicolas Trist; para cuyo efecto les concedo á los cuatros el pleno poder necessario; autorizando al Sor. Don Miguel Arroyo para que les asista y acompañe en clase de secretario é interprete por la confianza que igualmente mereze.

En fé de lo cual he hecho espedir el presente firmado de mi mano, autorizando con el sello nacional, y refrendado por el Secretario de Estado y del despacho del Ministerio de Relaciones Interiores y exteriores en el Palacio Federal de Mejico, á los veinte y siete dias del mes de Agosto del año de mil ochocientos cuarenta y siete, vigesimo septimo de la independencia.

ANTONIO LOPEZ DE SANTA ANNA.

Refrendado—

J. R. Pacheco. [L. S.]

[No. 15.—Confidential.] Head-quarters of the U. S. Army,
Tacubaya, September 4, 1847.

Sir: The conference between the Mexican commissioners and myself, on the 2d instant, resulted in my saying that if they would submit to me a formal proposition to establish as the boundary between the two republics the one defined in the accompanying paper, (enclosure No. 1,) I would transmit it to Washington, and would propose to General Scott to consent to the continuation of the armistice until the answer of our government should be received; the calculation being that this would require from forty to forty-five days, sending expresses both to Tampico and Vera Cruz. The idea had been thrown out by one of them, (not without his being interrupted by the others, to remind him that their instructions did not in any way warrant any such proposition or intimation on their part, but just the reverse,) that provided I should agree to the other parts of a boundary nearly coinciding with the one above referred to, they might possibly obtain permission to relinquish New Mexico. This, he said, was the utmost possible extent to which they could go, in the way of sacrifices to the cause of peace; and supposing that they should succeed in obtaining the consent of the government to its being made, which was exceedingly doubtful, it would then remain more doubtful still whether the government could maintain itself in a position so highly perilous with reference to the sentiment of the country, and affording so great advantage to those disposed to assail it, as well as to those who, independently of this motive, were banded together as opponents of all negotiation, ready to brand as a traitor every man who manifested

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a different sentiment. In a word, the practicability of carrying the thing through was problematical in the extreme. Nevertheless, the government might possibly be induced to venture upon it. If, however, we insisted upon more, the war must go on. Their reverses would probably continue. Well, if it must be so, it could not be helped; but at least we should have to content ourselves with possessing no other title to any of their territory than that by conquest, in all its nakedness, and subject to all the odium and to all the insecurity that inseparably attach to it.

These remarks were made by ——— ———, after I had quieted the objections of his associates to his proceeding, by stating, that everything said by him, or either of them, would be regarded by me as a confidential expression of their individual views, and as merely an evidence of their own sincere and strong inclination to peace, unless the character of a formal proposition were expressly given to it by themselves. After this, he was allowed to proceed; and the conversation became very unreserved on the part of all, and was extended to considerable length. In the course of it, their concurrence in his suggestion, and in the convictions expressed by him, was manifested in ways which left no doubt on my mind (indeed, it was already free from any) as to their being most sincerely disposed to go all practicable lengths to restore peace; and, also, in regard to their being fully and conclusively satisfied that they could venture no further; that it was the utmost possible extent to which the government could go, with any hope of thereby advancing the cause. A single step beyond it, and this cause would inevitably be prejudiced; as could not but be the consequence of placing it upon grounds rendering the consummation of the measure impossible. This was, beyond doubt, their honest conviction. My own is, that it rests upon the most solid grounds; and, that they were perfectly correct in saying, as one of them did, (and he was echoed by the rest, in tones and looks showing that they were most unaffectedly, and anxiously, impressed with the force and momentousness of the truth uttered by him,) "If we are to succeed in accomplishing a peace, herein does it lie;" his finger, as he spoke, running over the territory comprehended between the Nueces and the Bravo, on the map before us.

My concurrence in this conviction, is, as I have already stated, entire; I can see no reason, whatever, to hope for the possibility of any nearer approximation to our ultimatum; I believe that the alternative presented to us by the state of things in this country, actual and prospective—supposing that a full and perfect knowledge of every fact and every circumstance pertinent to the subject were possessed at Washington—would be clearly seen to be to accept this approximation, or to relinquish, for an indefinite period, all idea of a treaty. At any rate, this is, beyond all doubt, the state of the case at the present moment; and, knowing it to be so, although I deemed it in the very highest degree improbable, that our government could assent to this modification of the boundary proposed by it, (and I so stated to the commissioners,) I made the offer above mentioned; this being the only course left me, except

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that of announcing that their non-assent to the ultimatum prescribed to me put an end to the negotiation, and with it to the armistice; thus scattering to the winds all hopes of bringing the war to a close, by breaking up, at its very inception, the *peace party*, a nucleus for which had been formed from the moment that the commissioners on the part of Mexico had been prevailed upon to accept the appointment; particularly General Herrera and Señor Coúto, (General Mora having long been a decided and *pronounced* friend to negotiation, even before the war commenced, whilst the fourth member, Señor Atristain, though respectable, is a man of far less note and weight,) whose committal to the cause of pacification was a point of immense value; for, down to that moment, it was predicted by all Santa Anna's opponents, (among whom they both are, as highly distinguished members of the *moderado* party,) and universally believed, that he would not be able to prevail on any but his own *creatures* to take upon themselves the responsibility of having anything to do with the business.

I had, at the beginning of this conference, formally laid our ultimatum before them, so far as regards the line of boundary; remarking, as I handed them the paper, that they would find in it a confirmation of what I had said the day previous, respecting the slightness of the difference between the boundary proposed in the projét and that which I was bound to insist upon; whilst, on the other hand, it would make a great difference in the amount which I could offer in consideration of their acceding to that boundary. This amount I had not made known to them, because no suitable occasion had presented itself for so doing; and on the present, from the turn which the question took, I could not, without manifest indelicacy, and without the certainty of wounding and offending their national pride, bring forward, as being calculated to exercise a preponderating influence with them, a consideration which, it was evident that they attached no sort of consequence to, as compared with others.

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Next in importance to the retention of this barrier, comes that of New Mexico. Both honor and interest, they say, forbid them to surrender it. They could not, without ignominy, "sell" a portion of the population of the country, who have given such striking proofs of fidelity to the republic, and of their determination to retain the character of Mexican citizens. On the other hand, interest required them to hold on to that part of the republic as one of its main dependencies, for meat to feed its inhabitants. Upon these grounds, set forth in considerable detail, rested the special objection to parting with New Mexico. They could, at the utmost, give us but a portion of it—the less peopled part; beginning the boundary line on the Pacific, at latitude 36° 30′, and running it due east until it passed Santa Fé; then down, southward, some distance, and again eastward so as to strike the head of the Nueces.

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To these objections I replied by pointing out the examples of Louisiana and Florida, in proof of the great enhancement in value which the property of the citizens of New Mexico would experience; and which, if it was their pleasure to relinquish the quiet and safety secured to their country by the transfer, would enable them with the proceeds of sale of their present possessions to remove to the adjacent parts of Mexico, and there to acquire property of double, treble, or quadruple the value now attached to the former. As to the supplies now drawn from the pastures of New Mexico, they would, under the influence of American enterprise and management, soon be afforded in greater abundance, of a better quality, and at a far less price; and this dependence (as they objected that it would be) of Mexico upon a foreign country for a primary want was altogether ideal and fallacious, since the reality of the matter would be a mutual dependence of the two parties for a supply and for a market; a relation which could not fail to foster between the two countries, as far as its influences, direct and indirect, should reach, a spirit of good fellowship and an aversion to any falling out.

Finally, this second *sine qua non*—as it at first seemed likely to prove, and as it yet may turn out to be—was conditionally abandoned by the commissioner to the extent and *in the sense* stated at the commencement of this communication; that is to say, they agreed to lay my offer before their government for such new instructions as it might decide to give. In order to preclude mistake, the boundary contemplated in this offer was written down by me: in the first instance, by commencing on the Pacific, as had been suggested by them, and afterwards by beginning on the Atlantic, because I found greater prolixity occasioned by the former starting point than by the latter. In tracing this boundary, two points will catch your attention: the first, that I have left out the Paso del Norte; the second, that I have left out part of Upper California. In regard to the first point, although I am convinced, as your are aware, of the importance of the Paso del Norte to us, or at any rate that it is very desirable to us to hold it, yet its importance did not seem to me sufficient to warrant the risk attendant upon the multiplication of the grounds of clamor against the treaty, which risk would have been incurred by running the line south of the Paso; for this would have been to "dismember a State," that post being, so far as could be judged, within Chihuahua. With respect to the lower part of Alta California, the commissioners had insisted upon the absolute necessity of their possessing an overland passage to Lower California; and although they were, I believe, forcibly struck with the truth which I pointed out to them, that their possessing the lower part of the Colorado would inevitably give rise, in a very short time, to the old Mississippi question over again; yet they are so completely mastered by the *need of the moment*, (to part with the least possible amount of territory,) that it outweighs every consideration, the force of which admits of being staved off. This I believe was the only reason for their catching up at once my remark, that my instructions did not require me to insist upon Lower California, and their setting down the aban don

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ment of this part of our pretension as a settled point, regardless of the curtailment of the pecuniary compensation which I told them would necessarily result therefrom. In their hearts they were convinced of the truth of what I said, (nay, it was expressly assented to,) that no benefit whatever resulted to Mexico from the possession of Lower California, whereas she would derive great advantage from the influences exercised over her sea coast opposite to the inner shore of that peninsula, by the flourishing commercial towns which would in a very short time spring up under the American flag. But this conviction had no influence, nor could it be expected to have any influence, over the determination of minds pre-occupied by the one overwhelming consideration to which I have adverted.

Their retention of Lower California being decided upon, it followed, (so they said,) as a matter of course, that they must reserve also a land passage to that portion of their territory; though I believe that here also their real motive was to save appearances, more than anything else, and to avoid exposing themselves, and the treaty into which they might enter, to the clamor that they had insulated Lower California, and by so doing had placed it at the mercy of our maritime power. That the possession of the land communication makes no practical difference whatever, under the existing circumstances and prospects of the two countries, is perfectly obvious.

Among the points which came under discussion was the exclusion of slavery from all territory which should pass from Mexico. In the course of their remarks on the subject, I was told that if it were proposed to the people of the United States to part with a portion of their territory, in order that the *inquisition* should be therein established, the proposal could not excite stronger feelings of abhorence than those awakened in Mexico by the prospect of the introduction of slavery in any territory parted with by her. Our conversation on this topic was perfectly frank, and no less friendly; and the more effective upon their minds, inasmuch as I was enabled to say, with perfect security, that although their impressions respecting the practical fact of slavery, as it existed in the United States, were, I had no doubt, entirely erroneous; yet there was probably no difference between my individual views and sentiments on slavery, considered in itself, and those which they entertained. I concluded by assuring them that the bare *mention* of the subject in any treaty to which the United States were a party, was an absolute impossibility; that no President of the United States would dare to present any such treaty to the Senate; and that if it were in their power to offer me the whole territory described in our projet, increased tenfold in value, and, in addition to that, covered a foot thick all over with pure gold, upon the single condition that slavery should be excluded therefrom, I could not entertain the offer for a moment, nor think even of communicating it to Washington. The matter ended in their being fully satisfied that this topic was one not to be touched, and it was dropped, with good feeling on both sides.

In regard to all matters of subordinate consequence, I gave every

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proof which the nature of the subject permitted of the strongest disposition on our part to spare their national pride, and to save their pecuniary interests. For instance, in regard to artillery and the armament of the country generally, they proposed that their fortifications should be restored in the state in which they had been taken. This I declined to accede to, saying that we had exercised and would continue to exercise the right, universally recognized, to retain trophies. But, I added, this right would be exercised with moderation; and I related a conversation recently had between General Scott and myself on this subject, which showed that his views and disposition in regard to it were liberal and generous in the extreme, extending even to the restoration of their *field* artillery, (with the exception of a very limited number of trophies,) on the ground that he had no desire to strip the country of her means of defence, and wished not only that peace should take place, but that it should be "a *healing* peace." They were evidently touched with this, and inquired if there would be any objection to the field artillery being included in the stipulation? to which I replied that I could not engage to enter into such a stipulation without the express consent of General Scott, although I had no doubt that it would be cheerfully given. (And it was given, so soon as I informed him of the conversation.)

In the view of the extreme destitution of the government, and the urgent need in which it will stand, now more than ever, of pecuniary resources *to maintain itself*, should a treaty be negotiated, I offered, simultaneously with the *signature* of a treaty, to enter into an agreement, subject to the approval of the President, that their custom-houses shall be restored to them forthwith, and that they shall have the entire management and control of duties upon imports: this agreement to embrace all duties upon previous importations not actually collected at the time when the President's order shall be received at the respective ports. This offer had a most marked effect, not only as an evidence of the general disposition on our part towards them, but because of the importance of the pecuniary relief of which it affords a promise. I beg leave to suggest that the subject be taken into consideration as early as practicable; and that if my offer be approved, the order (modified so as to exempt our army supplies from all duty or inspection) be despatched at once, to come into effect upon a notification from me that a treaty has been signed. The influence of such an order, or its *fruits* rather, will be highly important towards procuring the ratification of a treaty; and even if we should fail now, it cannot but prove a strong card in my hands, so long as any prospect whatever may exist of negotiating one.

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Should my offer be accepted, this will go by quadruplicate, two by Vera Cruz and two by Tampico, under the security afforded by double passports.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. James Buchanan,
Secretary of State.

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[Enclosure in No. 15.]

The boundary line between the two republics shall commence at a point in the Gulf of Mexico three leagues from land, opposite to the middle of the southernmost inlet into Corpus Christi bay; thence through the middle of said inlet, and through the middle of said bay, to the middle of the mouth of the Rio Nueces; thence up the middle of said river to the southernmost extremity of Yoke lake, or Laguna de las Yuntas, where the said river leaves the said lake, after running through the same; thence by a line due west to the middle of the Rio Puerco; and thence up the middle of said river to the parallel of latitude six geographical miles north of the fort at the Paso del Norte, on the Rio Bravo; thence due west along the said parallel, to the point where it intersects the western boundary of New Mexico; thence northwardly along the said boundary, until it first intersects a branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said boundary nearest to the first branch thereof, and from that point in a direct line to such branch;) thence down the middle of said branch and of the said river Gila, until it empties into the Rio Colorado, and down or up the middle of the Colorado, as the case may require, to the thirty-third parallel of latitude; and thence due west along the said parallel, into the Pacific ocean. And it is hereby agreed and stipulated that the territory comprehended between the Rio Bravo and the above defined boundary, from its commencement in the Gulf of Mexico up to the point where it crosses the said Rio Bravo, shall forever remain a neutral ground between the two republics, and shall not be settled upon by the citizens of either; no person shall be allowed hereafter to settle or establish himself within the said territory for any purpose or under any pretext whatever; and all contraventions of this prohibition may be treated by the government of either republic in the way prescribed by its laws respecting persons establishing themselves, in defiance of its authority, within its own proper and exclusive territory.

[No. 16.—Confidential.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, September 27, 1847.

SIR: The news of the renewal of hostilities, and of the capture of this city, after another series of actions, in which our troops have again covered themselves and their country with glory, will have prepared you for an account of the failure of the negotiation.

On the 5th instant I received a visit from the secretary of the Mexican commissioners, who came to make an appointment for a meeting at the usual place on the following day. I was there at the hour named, (10 o'clock,) and officers were there to receive me; but the commissioners did not make their appearance until the hour of one. Apologies were not wanting on their part, but they were not needed by me, for I understood their position perfectly;

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the whole time since our last meeting had been employed in cabinet consultations and discussions, and they were now just from the last of these, to bring me the final result. Of the complexion of this I could have judged from their looks, even if I had not previously been informed of what it was, in all likelihood, to be.

After an inquiry (evidently made without any expectation on their part that it could be answered otherwise than by the negative which I gave) whether the question of the transfer of New Mexico could not be left to its inhabitants, they produced the rough draughts of two papers, which, after being read to me, were placed in the hands of clerks, who had been brought out from the Secretary of State's office, to make copies for signature. Copies of these papers, and of my reply, are herein enclosed, numbered from 1 to 3. This reply has not yet been transmitted by me; for hostilities were renewed on the following day, as will be seen from enclosure No. 4, and actively prosecuted until the capture of this city; from which event dates the total dissolution of the Mexican government: there has not, since that moment, been any recognised authority in existence with whom I could communicate. Santa Anna, after flying from pillar to post for many days, is now at Puebla, with some troops, which cannot be at all numerous or formidable, under the command of himself and of Generals Alvarez and Rhea. Such remnants of the army lately embodied in this city, amounting to from 20 to 25,000 men, as have not disbanded themselves, were, by Santa Anna's orders previously to his leaving this neighborhood, divided into "sections" and marched off to the different States, with a view to their subsistence. This, at least, is the face put upon the matter in a circular from Pacheco, late minister of relations, to the governors of the States, dated at Toluca on the 18th instant, and this day published here from a paper established at that place, and pretending to style itself the "Diario del Gobierno."

To-day, also, among other documents of a similar stamp, all constituting a futile attempt on the part of Santa Anna to keep up a show of authority, has been published here a paper from him, dated on the 16th instant, in which, at the same time that he resigns the Presidency *ad interim*, he takes upon himself to "*decree*" that, in pursuance of the provision of the constitution, the supreme executive power of the nation resides, from and after the publication of this decree, in the president of the supreme court of justice; and he also takes upon himself to appoint, as the two associates of the president, General Herrera and Señor Alcorta, (late Minister of War, and a staunch friend of peace.) The reason assigned for this resignation is, that, resolved as he is to contend to the last as a soldier, at a distance from the seat of government that is to be, (Queretaro,) the public interests forbid his retaining the office of President. His real desire and intention (although circumstances may arise to produce a change) are, I *know*, to escape from the country. And it is much to be wished that he were once more out of it; for, although he is universally considered as forever prostrate, and this belief has already had a most marked effect upon those whose sole or chief motive for opposing all steps towards peace was the appre-

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hension that this would serve to consolidate his power; yet, to render this effect complete, nothing short of his death or his absence from the country will suffice.

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The true state of the case is this: Mr. Peña y Peña, as president of the supreme court of justice, is, by the constitution, the Chief Executive, and is now on his way from Toluca to Queretaro, where Congress are to meet on the 5th of October; the same "sovereign constituent Congress," whose functions are now considered as limited to the subject of the war with the United States, the duty of "constituting the nation" having been fulfilled. Four days ago I was informed by a most trustworthy person, who had just seen Salonio, the president of Congress, that there was every reason to expect that 94 members would be in attendance on the day named, (the number necessary for a quorum being 71.) There were at that time 37 members in this city, who had been individually visited by Salonio, and had given the most positive pledge to be there. There were also 17 at Toluca, who had given the same pledge; and forty were already assembled at Queretaro.

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I must not omit to say, in justice to Santa Anna, that I am perfectly convinced that no man was ever more sincere in anything than he was in his wish to make peace, or more firmly resolved than he was to go all practicable lengths to effect the object. But the thing was an impossibility, upon the basis on which alone we would have it. He is no patriot—just the reverse; but had he been the purest of patriots, he could not have displayed more single-mindedness than he recently has, or striven with more energy and efficiency against the numberless difficulties of all sorts which whelmed him in. Having, after several days of hesitation, made up his mind that he could not agree to our boundary, he then gave to the whole affair the complexion best calculated to protect him against the denunciations which he knew would be poured forth in all quarters. From the documents in the enclosed pamphlet, (enclosure No. 5,) it will be seen that he had from the beginning prepared for a display of ultraism, in the maintenance of "the rights and dignity" of Mexico, that could not be surpassed by any of his assailants.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

P. S.—*Tuesday morning, September* 28, 1847. I received last night your despatch of the 19th July. That of the 13th of the same month was intercepted and opened, together with the private letters in the same envelope; and in this state sent to me by the minister of relations on the 6th instant, the last day of the armistice.

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MEXICO, *September* 28, 1847—12 *o'clock, meridian.*

An official letter has this moment reached here, announcing that Peña y Peña *has* entered upon the discharge of the executive duties, and is to proceed forthwith to Queretaro. It is dated Toluca, September 26, and signed by Don Luis de la Rosa, (a peace man) as Minister of Foreign Relations.

I have opened this to say that a long letter, most interesting, from one of the best and ablest men of the country, has just been read to me, dated the 26th at Toluca. The anarchists have thus far been completely foiled, and the prospect is highly encouraging. These anarchists (in the State legislature) are men without character or weight of any kind. They had passed a decree declaring the *separate* sovereignty of the State; and that they would recognize no federal authority save that of the coalition of Lagos. The governor has refused to publish the decree.

[No. 17.—Confidential.]

HEAD-QUARTERS OF THE U.S. ARMY,
Mexico, October 1, 1847.

SIR: I transmitted, some days since, via Vera Cruz, my numbers 15 and 16, together with duplicates of 12, 13, and 14. Duplicates of the two former are herein enclosed. After my packet had been sealed and delivered to the person who was to carry it, I received some interesting intelligence from Toluca, which formed the subject of a hurried note, sent by the same individual. Thus far, the friends of good order and of peace are proceeding prosperously in their efforts to organize a government in strict conformity with the constitution. Mr. Peña y Peña, who, by virtue of the office of president of the supreme court of justice held by him, is the chief executive of the republic, has assumed this charge, and has appointed Don Luis de la Rosa Minister of Relations. This has been officially announced to the diplomatic corps, and they (Peña and Rosa) have proceeded together to Queretaro, where Congress are to meet on the 5th instant. It was proposed to the State legislature, then assembled at Toluca, to administer the oath of office to Señor Peña; but after a very protracted and angry discussion, they refused to do so, and passed a violent anti-peace decree, declaring that they would recognize no federal authority save that of the congress of the Lagos coalition.

The governor (Olagubel, one of the many opponents of Santa Anna, whose dispositions in regard to peace have become considerably modified by his downfall) refused to allow this anarchical decree to be published, and there has been a general burst of indignation against it. According to every appearance, it will do good. The delegation from the State to the sovereign Congress has determined to disregard it.

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I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

JAMES BUCHANAN.

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[No. 18.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, October 25, 1847.

SIR: I availed myself, a short time since, of an opportunity (the first that has occurred for such purpose since my arrival in this country) to send you a file of Mexican papers. In these will be found, marked, such articles and passages as are calculated to afford an idea of what is going on in the republic at the present crisis. Although the friends of order have thus far succeeded, even beyond their most sanguine hopes, in organizing, and obtaining support for, a federal executive, which presents specious claims to a sanction from the constitution, and bids fair to stand firm until it can be replaced by a constitutional election of President and Vice President, (now taking place;) yet those claims, when the question is closely and fully examined into, are found liable to objections which it is impossible to answer; and the existing executive can, in strict truth, be considered only as a government *de facto*, spontaneously arising, at its own mere motion, out of the chaotic state of things consequent upon the total dissolution of the federal organism, which occurred simultaneously with the capture of this metropolis. This dissolution, I say, was total. It is true, that the authority of the constitution of 1824 had been legitimately restored; but, as yet, no action had taken place under it, and it was altogether uncertain whether any ever would. Previously to the final defeat of the army, and the prostration of Santa Anna, by which it was attended, (as everybody knew, beforehand, that it must be,) the very strongest probability had existed, that, if his power should continue but a little while longer, all the fruits of the labors of the sovereign constituent Congress would prove but a dead letter; that the constitution would be smothered under the pretexts and facilities which the state of the country afforded for the establishment of dictatorial power. (And the first use of this would have been, *to make peace;* the obvious and sure way at once to secure all the requisites for the consolidation of that power.) After that event, the same probability remained—nay, the danger became even more imminent and more manifest than before—from the operation of other causes, tending in the opposite direction. This was the state of things, so far as regarded the constitution which had been adopted as the law of the land, but had not yet come into force. On the other hand, at the time of our entrance into this city, the only actually existing federal authority was that vested in, *first*, the "sovereign constituent Congress," elected for the twofold purpose of re-establishing the constitution of 1824, (with amendments,) and disposing of all questions connected with the war; and, *secondly*, the executive provisionally created by that body, when it first met, in appointing Santa Anna and Gomez Farias, president and vice president *ad interim*. But, many months had elapsed since the Congress had formed a quorum, and it was exceedingly doubtful whether they could ever again be brought together; and, with respect to the executive branch, it was not merely vacated, but its existence totally ceased with the resigna-

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tion and flight of Santa Anna; for the appointment of Farias had, ever since the month of April, been rescinded by Congress, and the vice presidency *ad interim* left vacant.

There was, then, no executive authority in existence, nor the possibility of the creation of one, except by a new appointment *ad interim* by the sovereign constituent Congress, (in regard to which it was very doubtful whether it would ever again meet,) or by an election under the recently resuscitated constitution, which had yet to show whether the generally prevailing belief, against the possibility of its ever coming into force, was or was not to prove just. That instrument did, to be sure, contain a provision to meet this emergency; for, in case of vacancy in the offices of president and vice president, it devolves the executive functions upon the president of the supreme court of justice: but it so happened, that this office was itself vacant. The person who had last held it (by election, as prescribed by the constitution) was dead. Señor Peña y Peña was, at most, but the senior justice of the tribunal; and the validity of his title to be considered even as belonging to it at all, was questionable on more than one point.

These objections, however, were overlooked, through the desire to avoid utter anarchy; or, more strictly speaking, to rescue the country from it, for it was already in full progress; several of the State legislatures having passed decrees, and others being upon the point of doing so, declaring the federal government dissolved, and the States to be reinstated in their respective sovereignties. At first, it seemed that nothing could stay the swelling tide, and that the whole country was soon to be overwhelmed by it, past all redemption; but, through efforts the most active and unremitting on the part of a few men, whose characters commanded confidence, congenial spirits to their own were suddenly roused and incited to similar exertions, at various centres of action throughout the country; and although, for a time, the most sanguine among them almost despaired of success, they have finally triumphed in obtaining a general recognition of the provisional authority of Peña y Peña; a triumph which, considering the serious constitutional objections which existed against his recognition, and the number of factions at work to prevent it, is a subject of just wonder.

The last of these factions which has reared its head (and for a week or two, recently, it kept all hopes at a stand, and even caused them to flow back) consists of the *Santanistas*, the devoted personal adherents of Santa Anna, who have always been ready to go for *him*, without regard to the views which he might profess for the occasion. These men, availing themselves of the exasperation and desperation to which the army have been brought by the universal scorn with which they are treated, and by the daily augmenting indications of a general determination to get rid of them, organized a plot to resuscitate Santa Anna, by means of a *pronunciamento* at Queretaro and other points. The scheme, however, though the movements and demonstrations which took place in pursuance of it were for awhile productive of great uneasiness, has entirely failed; and it is not considered at present as a just cause for ap-

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prehension. This plot is the explanation of Santa Anna's having lingered in the neighborhood of Puebla, after his recent discomfiture there; delaying his departure towards Oajaca, which had been his destination (in order to get out of the country) when he quitted this district; at which time, he had not any idea whatever of engaging in the attempt he subsequently made upon Puebla; being incited thereto by a combination of fortuitous circumstances, that caused his expiring hopes to flicker up for an instant, and delude him with the fancy that his ruin might not yet have been consummated; although, in the opinion of the most sagacious men of all parties, it was sealed forever from the moment this capital fell. Strong and firm, however, as this belief is, it would be a great relief to those who find comfort in it to know that he was once fairly out of the country. It is considered unfortunate, too, that the risks attending an attempt to escape through the parts of the republic occupied or blockaded by us should have driven him towards Guatemala; where—even if he should fail to find in the State of Oajaca a refuge and a centre of action, as well as inducements to engage in mischievous, or at least troublesome, machinations—he may be beset by the temptation to foster the wild project which has been started in that quarter, of making common cause with this republic.

For some days past the intelligence from Queretaro has been more and more encouraging, by every fresh arrival. No doubt exists now as to an early meeting of Congress, * * * * * * * * * * * * * * * * *

Letters are pouring in upon the deputies at Queretaro, urging them to make peace without loss of time; the writers being generally men who have hitherto been among the most vehement in denouncing every idea of the sort. This change is owing chiefly, almost entirely, to the downfall of Santa Anna; though it has not by any means extended to all those whose opposition to peace arose from the belief that it would serve to fix that man in power, and to subject the country hopelessly to his sway.

The expedient has been resorted to of inviting the governors of the States to Queretaro to confer with the government; and many of them have agreed to meet there. They will be presented with statements of the contingents in men and money which are indispensable to the prosecution of the war; and it is expected that this argument will prove quite efficacious in making proselytes to the cause of peace.

Putting out of view the merely personal factions, and confining ourselves to what may be considered as national parties, but two of these now exist with reference to the question of peace or war. Both are, in truth, disposed to peace, and the disposition is equally sincere and earnest in each. Nevertheless, the struggle is to be between these two parties, and it will be as vigorous as if one of them were actuated by the most intense and reckless animosity against us; whilst, in reality, it will be influenced solely by the desire to become incorporated with us; and if this be impracticable, to compel us at least to give them aid and support in maintaining

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a decent order of things, by means of a government founded on republican principles. As was remarked to me to-day by one of our officers, in conversation on this subject, the position in which our country finds itself at this juncture is a phenomenon altogether unexampled in the history of the world: a nation, to whose principles and habits and institutions the spirit of conquest is altogether foreign, actually has thrust upon her, by its own inhabitants, the acquisition of a country rich beyond calculation in numberless sources of commercial prosperity, and abounding in everything that can make a country desirable.

Of these two parties the one has for its nucleus the best men of the *moderado* party; the other the best of the *puros*, or uncompromising republicans. The former, as is natural to their characters, are governed by their desire to put an end to the war. They see and feel that peace is the urgent want of their country; and they are anxious for it, on the best terms on which it can be obtained. The others, although no less strongly impressed with the evils of war, and no less anxious for peace, do not allow this desire to make them lose sight of other evils of a greater magnitude and more enduring character—the evils of misgovernment. They believe that the war may be made instrumental in averting these; and, to attain this end, they are willing that the war shall last as long as may be necessary for the purpose. They are *determined* that, so far as depends upon them, it shall not cease until it shall be attended with the effect of bringing about a connexion of some sort or other between the two countries, the more intimate the better; something of the kind they are inflexibly bent upon; something which shall suffice to secure among them the predominance of those political principles to which our country is indebted for the happiness which reigns there. "They talk," said one of these men to me, (a member of the present congress,) "of *nationality*. They say, that the first duty of the citizen is, and our first object at the present crisis should be, to preserve our nationality. But what is nationality worth—what is anything worth—except so far as it goes to secure *social advantages*? This is my touchstone for all political questions, and I recognize no other. Social advantages are the object, and nothing else is of any value, except as a means for securing this object. We have none in this country, and the only way in which we can acquire any is, by political institutions similar to yours. This is the reason why I have, all my life, to the very great neglect of the profession on which I depended for the maintenance of my family, been engaged in efforts to defend and foster the germs of liberty and State rights which we have among us. I have struggled for them, solely because they are means for the attainment of that in which the happiness of man consists. Nationality has been to us barren of all good; fruitful in nothing but anarchy, misrule, oppression, and corruption. Therefore its preservation is not an object with me, and I wish to see it merged in yours." He then entered into an explanation of the designs of those whose cure for all these evils consists in the introduction of monarchy; commented upon the

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natural bias of the moderados—even those who heretofore have evinced an attachment to republicanism—to fall into the schemes of the monarchists; and concluded by saying, that, for himself, he would "never acknowledge any sovereign but God." He spoke of a plan which had existed for several years, of separating the northern States and seeking a connexion with us. "But the time for this has gone by; it is no longer practicable; and the work must now commence at the centre."

The organ of this party (of course poor in pecuniary resources) is the "Razon," a paper recently established, and edited with great ability. Its tone is very high and philosophic—altogether unsuited to this latitude, except among the very few; although it may, and doubtless will to a great extent, answer the purpose as a means of communication and concert between the men of this school. The influence which they can exercise is not by any means to be estimated by their numbers, for they know how to avail themselves of the spirit of mere faction; and *opposition* being their constant mood, they always constitute a nucleus round which the weaker factions naturally conglomerate, when bent upon breaking down the one which happens to be strongest, or defeating any measure upon which it may be intent. At the present juncture, for instance, when the presidency *ad interim* is known to every one to be with Almonte an object of purely selfish ambition, a very warm courtship is going on between him and the puros, and he may possibly receive their support; not that they and he have a single principle or a single aspiration in common, but because they may find it to their account to use him for the occasion to defeat the party in favor of immediate peace.

If the belief in the feasibility of their design could be propagated, the annexationists would, I am perfectly convinced, become in a very short time the predominant party. The best part of the population would rapidly fall into their ranks, and they would very soon carry everything before them. It can scarcely be conceivable by one who does not actually *know* the truth of the matter, (as the opportunities which I happen to enjoy enable me to do,) how rapidly the wish that we may retain the country is extending itself.

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I experienced not a little surprise upon first becoming aware, as I did at Puebla, of the influence produced by this view of the subject upon the *lower* clergy; the lazy, ignorant, and stupid monks, whose views do not extend beyond the round of purely animal enjoyments, of which their lives are made up, and who have in their characters no element whatever for an *esprit du corps*, save the common love of, and greed after, money and property, mixed up with an idol worship fanaticism, (for, with them religion is sheer idolatry and burning of candles,) no less gross and base than their gluttony and lasciviousness. But my surprise has been far greater at learning that the same consideration has produced an equally decisive effect upon that portion of the body who, although they have but little purity to boast of, are nevertheless elevated far above the

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common herd in the sentiments and principles by which they are actuated. It shows how strongly impressed their minds must be with the danger of the downfall of the church itself, through the confiscation of the property on which its influence (such as it exists here especially) so materially depends.

* * * * * The case is different, however, with the class who constitute what is called "good society." Even if their feelings of aversion for our race were not sufficient (and they are superabundantly so) to produce this effect, prudence alone would dictate that they should, under existing circumstances, avoid all contact with us. This they do, and it is only from having been favored by accident with channels of communication not suspected by themselves, that I am enabled really to know anything of what is passing in their hearts, and to speak with certainty and positiveness on the subject. I use this tone not hastily or inconsiderately, but in the perfect assurance that it is fully justified by the character of my sources of information. So far as regards them, the relations which they bear to the classes referred to, and the opportunities which those relations afford, are with me a matter of positive knowledge; and I feel perfectly certain of the absence of all motive and all wish to convey to me any impressions but those strictly accordant with the truth of the matter.

This applies to all that I have said, or may hereafter say, (unless I expressly give to it the character of mere rumor, or of inference from newspapers and ordinary sources of information,) in regard to the views and dispositions of the upper classes, whether clergy or laity. In regard to movements and designs on the political stage, my means of knowledge are equally good. With respect to the peace party particularly, I learn from day to day everything that the prime movers in it at Queretaro and elsewhere consider worth communicating to those who are coöperating with them from this point; persons between whom, besides the bond of union consisting of identity of views with respect to the peace question, there exists the closest personal friendship and intimacy. Indeed, I am on this footing with the prime movers at this place of two distinct branches of this party, who, although their efforts tend to the same result as perfectly as if they were one in body and soul, have but little communication with each other, and no personal affection or intimacy; rather the reverse.

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Information derived from a source entitled to great reliance (not connected with any of the foreign missions or consulates) leads me to believe, very confidently, that the alarm produced among the republicans by the return of Paredes is, for the present at least, entirely unfounded, so far as regards the supposed connexion of that event with the introduction of monarchy, in the person of the Duc de Montpensier. Various fables, which I was at first disposed to attach some credit to, have been current here on this subject; and among them one representing that a paper was in circulation for signature by the land proprietors, in order to fulfil the condition (3,000 signers from that class) upon which, in conjunction with the

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requirement that peace should first be made, French intervention has been promised to establish monarchy. This, whatever may be the origin of the story, and whether such a paper has been in circulation or not, (I am strongly disposed to consider as impostors the persons who have pretended to some of our officers that it has been presented to them,) is at bottom a sheer invention. No such promise has been made. On the contrary, although, probably enough, Paredes was flattered and courted by the "citizen king," his project received no countenance from either the French or the English government; both refused to have anything to do with it. Although one of the honestest and bravest men they have ever had, he is a fool and a drunkard—certainly not the sort of person who would be selected by the European courts to carry on an intrigue of this kind, or to play any part whatever in such a game, unless it were that of a marplot, set to work on a false plan, in order that his absurdities might draw off attention from the real intrigue. It has occurred to me that this might possibly be the case in the present instance, although the supposition is certainly a far-fetched one.

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The anxiety for such a thing is, in many minds, intense and all-engrossing; for it is looked upon as the only possible way of salvation for the country; the only possible means by which the dire necessity can be averted for its abandonment by all who have the ability to get away, let the sacrifice be ever so great.

"Surely it cannot be a matter of indifference to a nation so elevated in the scale of civilization as yours is, that this country should be totally destroyed, and that it should become an utter desolation, as the preparation for your coming here. That it is to become a part of the United States, and this at no remote period, is certain. Why not at once, to-day, instead of ten or twenty years hence? You are here already; why not stay? You have certainly done mischief, and placed the country in a far worse condition than she was before: why not do good, and let this worse condition prove but a step to her regeneration, and to the peace and quiet which it depends entirely upon yourselves at once to give her?"

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I have been careful not to encourage it; but, on the contrary, to caution the parties against committing themselves, inasmuch as it is altogether uncertain which of the two proposed lines of policy—a continued occupation, or the taking up of a boundary—will be the choice of our country. With respect to the former, I become more and more fully satisfied every day that a force of from 25 to 30,000 men would be fully sufficient; and that the expense could, without difficulty, be met by the revenue produced from the ordinary sources. Apart from the very great difficulties and embarrassments among ourselves which the policy of continued occupation would necessarily give rise to, one serious evil, which could not fail to attend it here, has strongly impressed itself upon my mind: I mean the inoculation of our race with the virus of Spanish corruption in office. I have already seen, among those of us who are here—al-

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though they know themselves to be here but for a day, and that the scrutinizing eye of our country is still upon them—proofs of a want of principle, far more than sufficient to show that apt scholars would not be wanting for the school of official morals to which I have referred.

Among the minor incidents of this most wonderful drama is a plan to avail themselves of our presence in this capital, in order to give to the federal district a government founded on republican principles, in place of the old Spanish municipal institutions, under which it has to this day continued to groan.

I will close with a few words on the subject of Santa Anna. Conversation with his familiars, since our entrance into the city, has only served to add to the strength of a conviction previously entertained, and that did not at all require corroboration; which is, that if Santa Anna had been, at the recent juncture, the man he once was, we should before this have had a treaty negotiated, and he would now be firmly fixed in power. But, at the very crisis of his destiny, his heart failed him; and although, to the last moment, urged up to it by some in whom he had great confidence, he could not bring himself to take the plunge into his Rubicon. The design which he had for some time meditated, and had brought himself to believe that he had resolved to carry out, found him, when the hour arrived, irresolute and vascillating; and, instead of taking the question of peace entirely into his own hands, he allowed himself to be carried along, by the flood of circumstances, into staking all upon a battle which every one felt sure that he would lose. His firmness was, to be sure, put to a most severe test: for threatening communications, official and private, were pouring in upon him from all quarters, from the State governments and from individuals. Those, however, who best know him, and who were around him during the crisis, believe that he would have stood firm against all this, but for the influence exercised over him, to the amazement of all, by one man—General Tornel, a person universally contemned, and most justly so.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. James Buchanan,
Secretary of State.

[No. 19.] Head-quarters of the U. S. Army,
Mexico, October 31, 1847.

Sir: I transmit herewith a copy of a note addressed by me, under date of the 20th instant, to the Minister of Relations, enclosing my reply, under date the 7th September, to the last communication of the Mexican commissioners. A copy of this reply accompanied my No. 16; but, having made some verbal alterations in it previously to transmitting it to the minister, I now send a copy containing those alterations, together with a note which I have been led to add to it in consequence of certain admissions contained in a recent

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pamphlet from the pen of Señor Otero, a member of the present Congress, and one of the most able public men of the country. This pamphlet first appeared in the Spanish, and subsequently in English. Upon its first appearance I commenced making translations of certain passages, in the design of sending them to you; but I desisted upon seeing the English version announced. This version, although tolerably well done, proved on examination to be inaccurate in the more important passages: and I then engaged in the task of correcting them in one of the printed copies, before transmitting it. The "American Star" having commenced its publication in its columns, and the probability being that the train for Vera Cruz which is to leave in the morning, and by which this is to go, would not set out until day after to-morrow, I have lent the corrected copy to the publisher of the "Star," in order that he may print from it, and with a view to sending you a fair printed copy, free from the manuscript alterations, which would render its perusal troublesome. The lateness of the hour (I have been so closely engaged all day as not to have recollected it in time) does not permit me now to recover it; and I send, together with a copy of the Spanish original, one of the defective version, which will suffice for a cursory perusal. Comments upon it will be found in the Nos. of the "Razonador" sent by this conveyance.

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My separation from my family has already extended to double the time that was anticipated when I so precipitately left home, and I have the strongest desire to return. Under the circumstances and prospects *of the moment*, it is my duty to remain; but it will very soon be determined whether we are to make a treaty with the present administration; and it will be made very promptly, if made at all. Should the question be referred to that which is to come in under the election now taking place, (as I fear that it will be, though with some hopes of a contrary result,) I cannot possibly continue hanging on here for an indefinite period. The new Congress (the elections for which thus far are very encouraging) is to meet in January; the road will soon be safe, and the season is very propitious for my successor to come, should it be deemed advisable to keep any one here. I trust, therefore, to receive, so soon as a reply to this request can be sent, permission to withdraw at once, should the state of affairs at the time it reaches me be such as to afford no prospect of the subject being acted upon until the new administration comes in. I have never evinced any disregard of the public interests, and this may be safely left to my discretion.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

P. S.—Your despatches sent through the War Department by Col. Wilson, (who died at Vera Cruz,) being those of the 13th (a du-

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plicate) and 19th of July, came to hand to-day, sent by Colonel Childs from Jalapa.

TACUBAYA, *September* 7, 1847.

The undersigned, commissioner of the United States of America, has the honor to acknowledge the receipt of the note under date of yesterday, from their excellencies the commissioners on the part of Mexico, accompanying the counter projét which they had been instructed to present.

The authority with which he is clothed being limited, so far as regards the boundary to be established between the two republics, to the conclusion of a treaty upon the basis of the ultimatum presented by him on the 2d instant, the undersigned finds himself, as was stated by him at their conference on yesterday, under the painful necessity of recognising the absolute irreconcileableness which exists between the views of the two governments in this regard, and of considering these final instructions to their excellencies as putting an end to the negotiation which he has had the honor to conduct with them, and which has left on his mind a deep and lasting impression of the sincerity with which his earnest wish was reciprocated, that the restoration of peace might be the result.

Debarred as he is from discussing with them the question of boundary beyond the point now reached, he must limit himself to some remarks in reply to the observations to which his attention is invited, and which he is requested to consider fully, before coming to a definitive determination with respect to their propositions.

Acknowledging their title to his utmost attention, not only on account of the gravity of the subject, but also because of the candor and frankness displayed throughout their intercourse on the part of those by whom these observations are submitted, the undersigned, after considering them in the same spirit, finds himself compelled to say that, plausible as they may at a first glance seem, they indicate to his mind an altogether erroneous view of the positions in which the two countries stand towards each other, and of the general question now pending between them.

It is perfectly true, as stated by their excellencies, that "the war now existing commenced with reference to the territory of the State of Texas;" and it is likewise true, that the title by which this territory is claimed by the United States (or, to speak more properly, now constitutes an integral portion of the United States) consists in "the act of Texas," (concurrently with that of the American Congress,) "whereby she became incorporated into the Union" as one of its sovereign members. But this is very far from warranting the conclusion which appears to their excellencies to flow from it; and on which are rested the reasonableness and justice of the propositions which they have been instructed to make on the part of the Mexican government.

This conclusion is, that Mexico, by consenting, as she now offers to do, upon being properly indemnified, to acede to the claim

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of the United States to Texas, removes the cause of the war; and that, consequently, all title whereby it may be further prosecuted being now wanting, it should at once cease. Pursuing the same line of reasoning, it is further urged, with reference to the remainder of the territory comprehended within the boundary described in the projét presented by the undersigned, that no right thereto having heretofore been alleged by the United States, consequently the only title by which it could be acquired must rest either upon conquest or upon purchase; with respect to the former of which titles, the confidence is expressed that it would be regarded with reprobation by the United States; whilst, in regard to the latter, it is remarked, that it would be repugnant to every idea of justice to wage war against a nation for no other reason than her refusal to sell territory which a neighbor desired to purchase.

To perceive clearly the utter fallacy of this whole view of the subject, it is necessary only to advert to a few leading facts belonging to the series of events out of which has grown the state of things now existing between the two countries.

Composed chiefly of emigrants from the United States, who had been invited thither by Mexico, under the guarantees for the security of life, liberty, and property, afforded by the constitution of 1824—a constitution modelled upon that of their native land—the people of Texas, after the lapse of a few years, found themselves presented with the alternative of taking up arms in defence of their dearest rights, or submitting to the military usurpation and despotism by which the organic law of their adopted country had been subverted and replaced. As could not but be foreseen by all persons not entirely unacquainted with the national character formed under the influences of English principles of government, and of the developments which these have received on our side of the Atlantic; the former of these alternatives was the choice of the Texans. They resisted it, and their resistance proved successful. Thus arose the republic of Texas.

After establishing a government, the security afforded by which to all that civilized man holds dear, presented the most striking contrast to the consequences of the subversion of the Mexican constitution, as exhibited throughout the rest of the country for whose happiness it had been established; after obtaining from the principal powers of the earth a recognition as one of the great family of nations; and after maintaining this position through a period, and under circumstances, rendering manifest to the world that it was not to be shaken by Mexico, the new republic sought and obtained admission among the United States of America as a member of their Union.

By this event she became entitled to be protected by the United States from invasion; their appropriate organ for the discharge of this obligation being the Executive of the general government, as the functionary charged with the control and direction of their defensive force. But, of what consisted the territory of this new member of the Union, which, from the moment of her admission as such, it had thus become the duty of the President of the United

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States to employ the forces placed by the constitution under his direction in protecting from invasion? In other words, where were her boundaries? To protect a State from invasion, means to prevent the occupation of any portion of her territory by the armed force of any other State or nation. This obligation, therefore, manifestly implies the existence of limits to her territory; limits, the crossing of which by a foreign force constitutes an invasion. It necessarily results, from the very nature of things, that this duty of protection can have no existence, except concurrently with the existence of such limits. When considered with reference to this obligation, a territory without determinate limits is a contradiction in terms; it is of the very essence of the obligation that the portion of the earth's surface to which it attaches shall be definitive and determinate; it being otherwise impossible to say when it is invaded, and when it is not invaded.

Where, then, were the limits of this new member of the Union? As defined and asserted by herself, the territory of Texas extended to the Rio Bravo. Her right to insist upon this boundary was equally good, and identically the same, in all respects, as the right of Mexico to insist upon any other line of separation; and this right, agreeably to a principle of international law, too well established to admit of dispute or doubt, existed *independently of the question as to what might or might not have been the true limits of Texas whilst constituting a part of the Mexican republic.* With reference to that period, their excellencies the commissioners assert, as "a matter of absolute certainty, that the country comprehended between the Nueces and the Bravo had never formed part of the State of Texas." But, supposing this to be true, it would not in any way affect the right of the Texan people, at the close of the war into which they had been forced, as above stated, to insist upon such boundary as they might deem essential to their future security against the spirit manifested towards them by the government whose usurped power they had so successfully defended themselves against; whilst, not content with subverting the authority of the constitution, it had sought to stifle and to extinguish forever, within the bounds of Texas especially, not only every spark of liberty, but every one of those great elements of civilization which that constitution was designed to foster and to develope. In a word, the republic of Texas and the republic of Mexico had been for many years at war; and, *as the condition to the cessation of this war, either party had the same right, identically, to demand and insist upon the establishment of such boundary as in her judgment was the just and proper one.* If Mexico, on her part, could assert as a fundamental axiom the one now put forward by her commissioners, that "no nation can rightfully be required, nor should any nation ever consent, to relinquish her natural frontier," and from this axiom deduce her right to insist upon possessing the territory between the Nueces and the Bravo, on the ground of the insufficiency of the latter river alone for her security, either in a military or in a commercial point of view, and that the river and the territory together were indispensable to her for this purpose—if this

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right appertained to Mexico, Texas, on the other hand, had an equal right to appeal to the same principle, and to point to the manifest self-contradiction involved in the deduction drawn from it; which, on the ground that the whole of a broad and angry torrent was insufficient for her security, gave to Mexico a wide extent of territory as an additional bulwark, whilst it required that Texas should content herself with half the width of a comparatively narrow and sluggish stream.

Such, then, was the position of Texas with regard to her boundary towards Mexico, at the time when she became admitted into the Union. According to the well settled doctrine of international law upon this subject, the line of demarcation between the two republics *had become obliterated by the war;* and the consent of both had become necessary to the re-establishment of that line, or the establishment of any other, as their common boundary. This being the state of things, Texas, asserting her right and her determination to insist upon the lower part of the Rio Bravo as a part of that boundary, obtained admission into the North American sisterhood. With respect to this point, however, the American Congress, through a scrupulous regard for any right which Mexico might have, or might suppose herself to have, to any portion of the territory embraced within the asserted limits of Texas, reserved to the United States the right to determine those limits by means of friendly negotiation with Mexico; this being, as has already been observed, the only way in which an international boundary, in the proper sense of the term, can be ascertained. For, although one of two conterminous nations may select for itself, and may maintain by force, the line which is to separate her territory from that of the other, yet a boundary between them can never be said to exist except in virtue of the consent and recognition of both. Without such agreement between them, neither of two nations whose territories touch each other can be said to have a boundary.

Such was the state of the case between Texas and Mexico at the time of the admission of the former into the American Union; and such it necessarily continued to be after that event; with this single difference, that the question between Mexico and Texas had now become one between Mexico and the United States. No agreement or understanding had yet taken place between them. The Mexican government, on the contrary, still claiming to consider Texas as a rebellious province, over which it intended to re-establish its authority, it was in the nature of things impossible that the boundaries of this new member of the American Union should have become determined.

From this state of things resulted the obligation, equally imperative upon the United States and upon Mexico, to effect as speedily as possible that settlement of boundary which, by events now past recall, and manifestly to the whole world constituting a "fact fulfilled," had become a matter of absolute necessity between these two parties, as that by virtue of which alone either of the two could exercise authority over any portion of the country lying between the Rio Bravo and the Sabine, without the certainty of col-

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lision between the equal right and the equal obligation of each to defend its territory from invasion; for, as has already been stated, whilst Texas on the one hand asserted that these two rivers constituted her boundaries, the Mexican government, on the other hand, persisted in denying the separate existence of Texas as an independent State, and claimed the whole country embraced between those streams as still constituting a part of Mexico. Moreover, even on the supposition that the pretensions of the latter had been less irreconcilable with the fixed facts of the independence of Texas and her incorporation into the Union, and if these fixed facts had received from Mexico the acknowledgment to which they were entitled from human reason, still, even on this supposition, the necessity for a settlement of the boundary would have been no less absolute than it has been shown that it was: for, until ascertained by a compact or agreement, definitive or provisional, between the United States and Mexico, the boundary between the two republics, when considered by the United States with reference to the national obligation to protect their territory from invasion, *could be none other than that very boundary which had been asserted by Texas herself.* From the very nature of things it could not be otherwise; because, independently of the truth that a boundary between two conterminous nations cannot exist except in virtue of their mutual consent, and that consequently it was impossible that this boundary should be determined by the United States alone—independently of this truth, the necessity here referred to resulted from the care taken by the United States, whilst in the very act of admitting Texas, to respect the territorial rights of Mexico; not, indeed, by denying, as her government persisted in doing, the existence of Texas as a sovereign and independent republic, but by recognizing the impossibility that, by the mere act of Texas alone, the line of demarcation between herself and Mexico should be determined. From this manifestation of regard for the rights of Mexico, it resulted that the executive of the United States, their constitutional organ for fulfilling the obligation of protecting the country from invasion, was placed under the necessity either to disregard that obligation entirely with respect to Texas, or to consider it as co-extensive with the limits which she had herself asserted. Between these alternatives no medium presented itself, except that the executive should assume to decide what the proper limits of Texas were: a thing impossible on its part, without an usurpation of power no less futile than flagrant. For, whilst on the one hand it could not but leave the question of boundary precisely where it stood before, it would have involved at once a violation of the rights of Texas, a violation of the rights of Mexico, and a defiance of the authority of the legislative power of the Union; the determination of these limits having by that authority been referred to the concurrent action of the treaty making power of the United States and of Mexico. This flagrant and threefold usurpation on the part of one branch of the government of the United States, constituted the only possible middle course

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between the alternatives above stated. And this state of things must continue so long as the boundary of the newly admitted member of the Union should not be ascertained, either definitively or provisionally, by a treaty or convention between the American and the Mexican governments.

Thus stood the case between the two republics. Here was a juncture in human affairs, presenting as a fixed fact—a fact which had passed beyond human control, and which it was just as impossible to do away with as it is for man to change the figure of the globe which he inhabits—the absolute necessity of an immediate understanding and agreement between the two governments; whereby, if not definitively, at least provisionally, that boundary should be ascertained by means of which alone their respective fields of duty could be distinguished; by means of which alone a collision in the discharge of those duties could be avoided. And how was this necessity met by Mexico? By a refusal to acknowledge it. To endeavors the most earnest, the most respectful, the most conciliatory, the most patient and persevering, to induce her to listen, she responded by a refusal to hear. The admission of Texas into the Union was denounced by the Mexican government, in terms that the undersigned will not recall, as an act of war; and its unalterable determination proclaimed to wrest Texas, the whole of Texas, from the United States, by force of arms. Armies were embodied, and the resources of the country exhausted, in preparations to carry this threat into execution; and finally the troops of the United States were attacked, and American blood was shed within that territory which, as has been demonstrated, nothing but the amicable understanding which it had so earnestly, but so vainly sought, could have absolved the government of the United States from the necessity of considering as a part of the country which it is under the most imperious and the most solemn of obligations to protect from invasion.

Thus did this war begin. It was commenced, not by the United States to acquire Texas, but by Mexico to subjugate Texas, after her national existence had become irrevocably blended and identified with that of the United States. This was the avowed purpose for which Mexico's "Army of the North" was embodied and marched, and for which "the campaign of Texas" was opened. The ulterior destination of that army, as proclaimed by the press of the Mexican capital, echoing and re-echoing the manifestoes and the orders poured forth by the government, was not the southern shore of the Rio Bravo, but the western shore of the Sabine. There was no mention then of the distinction between the territory proper to the State of Texas, and the territory proper to the State of Tamaulipas; nor of "the zone between the left bank of the Bravo and the right bank of the Nueces;" nor of the latter river as constituting a boundary of any sort, or for any purpose. The only limit to Mexican territory, recognized in the manifestoes referred to, was the Sabine; and upon the bank of that river was the army of Mexico to plant her flag.

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Thus did the war begin. Had no such purpose as the subjugation of Texas been then avowed or been then entertained by the Mexican government; had her "Army of the North" been formed solely for defensive purposes; even then, on this supposition, so highly favorable to Mexico, the cause of the war could be found in but one thing: the pertinacious refusal of her government to recognize the necessity which had arisen for that concurrent action of the two governments by which alone either nation could be enabled to distinguish the territory which it was under the obligation to defend as its own, from that which it was bound to respect as its neighbor's.

When considered in connexion with the course pursued by the Mexican government in refusing to recognise this necessity, the mere presence of its forces upon the left bank of the Bravo, or anywhere within the asserted limits of Texas, constituted an invasion. Independently of any attack by those forces upon the troops of the United States, their crossing the Bravo amounted of itself to overt war. Under the circumstances which attended it, this act could be construed into nothing else than the first step in carrying out the avowed determination to subjugate Texas; to overrun and occupy the entire State, up to the very bank of the Sabine. But, independently of all those circumstances, and if no such purpose had been avowed or been indicated in any way; still, the mere act of crossing the Bravo, connected with the refusal above stated, constituted a hostile invasion. It is impossible that any act between nation and nation should be more strongly or more clearly stamped with the character of war—of deliberate and premeditated war. This invasion was repelled; and the war thus commenced by Mexico became soon a war of invasion on the part of the United States: a war of invasion, but not of aggression; for they had remained passive until actually struck, and until it had thus become manifest that no good consequences could result from further forbearance, and that the only hope of peace between the two countries rested upon a vigorous prosecution of the war by the party assailed.

The results by which it has thus far been attended, it were needless here to dwell upon. It suffices to say, that the seaports of Mexico, together with the chief cities and strong places of a very considerable portion of her territory, are now in the possession of the forces of the United States; and this under circumstances affording no prospect whatever that their hold upon them can be made to loosen. These are the circumstances under which the desire for peace, so steadfastly cherished and so constantly manifested by the United States, is now again repeated. In making this offer upon the conditions set forth in the projét submitted by the undersigned, the United States occupy a position very different from that supposed in the observations which have elicited these remarks. In proposing to Mexico to agree to the establishment of the boundary defined in that projét, they do not present themselves as purchasers, attempting to coerce a neighbor to the sale of her

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territory. They do, it is true, rely on the title by conquest, but not in the sense wherein alone this title has any odium attached to it, even according to the highest known standard of international morality. The title by conquest—understanding by conquest, the forcible wresting of a country from its rightful owner without just and sufficient cause, and through the mere desire to possess it—this title by conquest is one which the Mexican government does nothing more than justice to the United States in supposing that it finds no favor in their eyes. But, if by conquest be meant the retention of territory which a neighbor, by forcing you into a war, has compelled you to occupy after every possible means has been exhausted by you to preserve peace and to avoid that necessity—if this be the sense attached to the words, then the title by conquest is one which any member of the great family of nations may appeal to, in the certainty that it will be pronounced good by the tribunal to which they are all alike amenable. From the judgment of that tribunal upon the terms now offered to Mexico, the United States have nothing to apprehend. In the eyes of a candid world, when the excitement and the misconceptions of the hour shall have passed away, their conduct will appear in its true light, and the erroneousness of the view now taken by Mexico of the position which they occupy towards her will be manifest. Instead of the covetous neighbor, seeking to extort from the weakness of another the sale of territory which she is averse to part with, they will be seen to have realized the character of a generous conqueror, freely proffering to restore possessions of inestimable value, acquired at a vast expenditure of blood and of treasure, in the prosecution of a war into which he had been most reluctantly compelled; and who, whilst insisting, with respect to a portion of his conquests, upon his right to retain them, sought at once to reconcile the exercise of this right with the interests of the other party, and to render it as little grating as possible to his feelings, by connecting with it an offer of that pecuniary relief which his exhausted condition so loudly called for, and which everything conspired to render vastly more important to his welfare than the recovery of remote and uninhabited districts, the loss of which would be as little felt as had been the merely nominal and purely sterile authority previously exercised over them.

In closing this correspondence, the undersigned, whilst most painfully alive to the consequences which cannot but attend the failure of the purpose for which they were placed in communication, experiences unfeigned satisfaction in giving utterance to the sentiments of personal esteem and confidence with which he has been inspired by the eminent citizens of Mexico who have acted as her organs in the negotiation. Barren as unhappily it has proved in regard to the great object which has occupied them, it has at least served to impress deeply on his mind the conviction, that, had the course of the Mexican government upon the Texan question been directed by the enlightened patriotism which this republic possesses among her sons, reason and candor and good feeling

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would have asserted their rightful predominance over the elements to whose baleful sway the calamities of this war are due.

N. P. TRIST.

To their Excellencies Don Jose J. Herrera, Don Bernardo Couto, Don Ignacio De Mora y Villamil, and Don Miguel Atristain, *Commissioners Plenipotentiary of the Mexican republic.*

Note.—*Mexico, October* 28, 1847.—During the present month a pamphlet has issued from the press of this capital, under the title, "*A communication upon the diplomatic conferences conducted in the house of Alfaro, between the plenipotentiary of the United States and those of Mexico, addressed to his excellency the governor of Jalisco: by Don Mariano Otero, LL. D., deputy from that State.*"

Señor Otero has an established reputation as one of the ablest and best informed statesmen of his country; and admissions proceeding from him in favor of the United States, require no corroboration to entitle them to be received as perfectly accurate. The following passage of his pamphlet contains admissions of this nature, constituting a striking confirmation of the correctness of the view above taken as to the true cause of the war; and it bears ample testimony, however unintentionally, to the extreme forbearance displayed by the United States. It is conclusive upon this point; and also as to the fact that the war *was begun by Mexico*—begun by her *supreme government, designedly and premeditatedly.* As to whether the annexation of Texas afforded, or did not afford, a just cause of war, this is a totally distinct question from the other. Justly or unjustly, the war was begun by the Mexican government. This is a matter of fact, about which there can be no dispute, except on the part of such as are totally misinformed on the subject, or of such as have no regard for truth. The object of the author, at the outset, is to show that, previously to the war, no claim had ever been set up by the United States to any portion of the territory of Mexico, save Texas. While intent upon impressing the reader with this fact, (and a most unquestionable one it is,) he says:

"In fact, the United States have never set up a claim to any other part of our territory, and they have admitted this by more than one act. Even after the independence and annexation of Texas, the Mexican authorities existed and were recognized in the border States of Coahuila, Tamaulipas, Chihuahua, and New Mexico. When the American government offered, in 1845, to adjust the present question in an amicable manner, they drew off their forces to Corpus Christi, *in order not to demand anything beyond the territory in dispute.* Shortly before, they had returned to the port of Monterey, in Upper California, and given satisfaction to the Mexican government for its occupation, by Captain Jones: they never disturbed New Mexico previously to the breaking out of hostilities—not even that part of it on the left bank of the river Bravo; and in spite of the pretensions of the first Texan Congress to the

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northern bank of this river near its mouth, the American forces did not advance to it *until the war became inevitable*, and then *only as an army of observation*."

Having thus conclusively established this first point, he proceeds to take the position which it was intended to support, to wit: that the United States, by proposing to acquire other Mexican territory besides Texas, have entirely changed the question between the two countries, and have given to the war the character of a war of conquest; thereby, as he says, (being blind to the flagrant contradiction between this assertion and the whole conglomeration of facts in which it stands imbedded,) disclosing what every one who observes the march of the American government has all along known to be the truth of the matter: that this conquest *was, from the beginning*, what the United States were intent upon. Blaming the Mexican government for having permitted the issue to be changed, he enters into an examination of the course pursued by it in the negotiation, beginning with a survey of the position occupied by Mexico at the moment when the commissioners first met. This review commences as follows:

"In fact, when once the question had been varied by the United States in the manner we have just seen, it became a matter of the deepest interest and moment to watch what attitude, what course, our policy assumed, to confront that of our neighbors; and this interest was the greater, *because of the policy which, for so many years, had been inviolably adhered to among us*. It is very natural, in times of civil discord, that parties, in order to obtain possession of power, should invoke the dearest interests, and pretend to hold the most generous resolves; and hence it arose that the war of Texas, the object of hope and fear to all well intentioned persons, was for a long time the cloak of the most inexcusable machinations. In the name of Texas, the nation was oppressed for many years by successive governments, destroyed by revolutions, and impoverished by enormous contributions. Every one of the governments that appeared upon the shifting scene promised to incorporate the usurped territory, but never attempted it; while, at the same time, Texas went on increasing in population, obtained her recognition from foreign governments, acquired every day new guarantees for her existence, and now showed the real reason for her rebellion; which was, and always had been, her annexation to the neighboring republic, the instigator and promoter of her separation. Re-conquest was then the only policy of our administration; and when, on the eve of annexation, an indisputably patriotic and upright Executive saw the Texas question in a new light, and, at the risk of its existence, with the rarest and most praiseworthy disinterestedness, endeavored to solve it in a wise manner, and secure the nationality of the republic by erecting Texas into a small independent nation, which, under the guarantee of other powers, should never be annexed to the United States, but should thus serve to maintain the balance of power on our continent, in the same manner as the nationality of Belgium put an end to the disputes which had so often deluged the fields of Europe with blood—even

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this intention became a party weapon, and a motive for revolt: men of the most exalted worth were called traitors, and the government was overthrown. RE-CONQUEST *again became our policy.*" (This, be it noted, refers to a period after the admission of Texas had taken place.) "The military rebellion of San Luis gave rise to a government *pledged to resist all accommodation; which government* (although in its diplomatic conduct it pursued the same policy as the government it had overthrown, on account of that very policy) COMMENCED HOSTILITIES; and, under its fatal auspices, began this inconceivable and deplorable series of defeats.

"The government installed by the national movement of 1846 could not do otherwise than continue that war;" (the war, that is to say, *commenced* by Paredes,) "*and without its having been discussed, either then or before, on what terms an honorable peace might be brought about, it has been assumed as a basis, that Mexico should listen to no proposals until our arms should drive back the Americans* BEYOND THE SABINE."

Here, then, besides the testimony which the facts adduced by the writer (for a totally different purpose) bear to the anxiety evinced by the United States to avoid a rupture, we have an explicit acknowledgment, *First*, that after the admission of Texas as one of the States of our Union, the "*re-conquest*" of that State "*again became the policy*" openly avowed by the Mexican government. *Secondly*, that the government of Paredes, which, by a successful military rebellion, supplanted the Herrera administration, came in "*pledged to resist* ALL *accommodation.*" *Thirdly*, that this government "*commenced hostilities.*" *Fourthly*, that the "*war*" so commenced had for its object to "*drive back the Americans beyond the Sabine.*" *Fifthly*, that after the Paredes usurpation had been overthrown, this continued still to be the object of the war, and the Mexican government assumed as its basis of action, that no proposals for peace should be listened to *until this object should be effected.*

The writer says, at the commencement of the foregoing extract, that the United States "drew off their forces to Corpus Christi, *in order not to demand anything beyond the territory in dispute.*" Although these words involve an acknowledgment of the extreme moderation and caution with which the American government proceeded, they convey exceedingly vague and incorrect ideas, and place in an altogether confused and false light the question between the two countries which has given rise to this war. They imply that there was a certain "territory in dispute," and that this territory was the country between the Sabine and the Nueces, (to the exclusion of that lying between the latter river and the Bravo. Now, *this was not at all the character of the question.* So far as Mexico was concerned, she made no such acknowledgment: her position was that of a refusal to acknowledge that Texas had become incorporated into the American Union; she peremptorily claimed the whole country, from the Bravo to the Sabine, as Mexican territory. On the other hand, the United States made no such acknowledgment either. What they acknowledged was, that Texas

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having once constituted one of the States of the Mexican republic, from which she had separated herself, and against which she had established her independence by war, claiming a certain boundary, and having now become one of the United States of America, still claiming that same boundary—which claim constituted, therefore, an open question—it was indispensable that this question should be settled between the United States and Mexico. This is the position which was occupied by the United States; and they asked that this question might be settled.

It is true, that *previously to the war* between Texas and Mexico, *which had given to Texas* (as it had given to Mexico likewise) *the right to insist upon a change of boundary*, as the condition to peace, the boundary between Texas and the adjoining states of the Mexican republic had been (as was generally understood) different from the one now claimed by her. And it is true, likewise, that the right to insist upon or to waive this alleged change of her boundary having been transferred to the United States, the American government did afford to Mexico and to the world the proof of moderation referred to by Señor Otero; but his statement of which ought to have been differently framed. To be accurate and consistent with the true nature of the case, it should have been, in substance, as follows: *The duty of settling the boundary between the Texan and Mexican republics having, in consequence of the admission of the former as one of the United States of America, devolved upon the American government; and it being generally understood that the boundary asserted by Texas embraced a portion of territory (that bordering on the east bank of the Bravo) which had not been included within her limits when she constituted part of the Mexican republic, and before the war waged against her, in consequence of her separating herself, upon the subversion of its constitution and the submission of the rest of the country to military usurpation and despotism—under these circumstances, the American government, actuated by the most earnest wish to avoid a collision with Mexico, abstained from occupying that disputable portion of territory* "until the war became inevitable:" *in other words, until, by repelling advances towards an amicable arrangement, which the United States persevered in to an extent that would have been altogether incompatible with self-respect, had the opposite party been a nation from which anything could be feared, and by many other conclusive proofs of its inflexibility in adhering to the determination which it had proclaimed to* "reincorporate Texas," *and never to sheath the sword until* "the Americans should have been driven back beyond the Sabine," *the Mexican government left to the United States no possible course save that of retiring behind the Sabine, or of repelling the* "hostilities" *which Mexico, true to her threat, soon after* "commenced."

Stated in some such way as this, the incident referred to by Señor Otero would have stood in its true light, and would not have been attended with the effect of conveying confused and false notions in regard to the nature of the momentous question to which it appertains; a question which, on the part of Mexico, *according to Señor*

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Otero's own irrefragable showing, was used by the men who have wantonly sported with the destinies of their country, like any other commonplace and hackneyed topic of party slang, for the mere end of obtaining possession of the government and getting themselves into office. What the end is, which lies behind this one, (save in the case of a few most honorable exceptions,) is unfortunately but too notorious. Unless public opinion in Mexico be altogether at fault; unless the settled conviction upon this point, universally entertained by all classes of men—by the purest and most upright of her citizens, as well as by the most impure and unprincipled—and habitually referred to by all, as the explanation of all things, rests upon no other foundation than airy dreams;—unless this be the case, this end of all other ends could not fail to be strikingly exemplified by the final history of those "enormous contributions," for which, as Señor Otero (whilst ardent with his invective against the cupidity and rapacity of the American people) informs us, the "reconquest of Texas" was made the pretext; and by which "the nation (Mexican) was impoverished." If that history were known, or rather if it were *published*, (for such things are here covered with but a thin veil, when covered at all,) it would, when taken in connexion with Señor Otero's account of the progress of the Texan question, disclose to the amazed world the fact that this war, with its countless train of evils to the parties, and with the incalculable detriment which it brings upon neutrals, is at bottom due to one thing, and to this one thing alone: the reckless ardor with which the factions that unhappy Mexico has so long been a prey to, have habituated themselves to pursue that which, to their philosophy, is the supreme good—to wit, the felicity of engendering and fondling "enormous contributions."

N. P. T.

[No. 20.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, November 7, 1847.

SIR: Referring to my No. 19, a duplicate of which is herein enclosed, I have the honor now to transmit a copy and translation of the reply of Señor Rosa, under date the 31st ultimo, to my note of the 20th.

Although, as will be perceived, Señor Rosa states that my communication leaves but little hope of the possibility of re-establishing peace, but little, if any, importance is to be attached to expressions of this kind, coming from those who labor under the misfortune of having to conduct the affairs of this country. It is a mere manner of style, which they are compelled to use in self-defence, and which they must employ all the same, whatever may be the dispositions or the intentions really entertained by them. In the present instance the prospect of a treaty is, I know, very good, so far as this depends upon the party by which the present administration has been built up. On this point (that of at once accepting our terms) the tone of the "Razonador," particularly, (and other

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papers also,) is as undisguised as possible, and no less urgent, and it speaks the real sentiments of the peace party; sentiments which will take the shape of acts, if such a thing be within the bounds of possibility. Strong hopes are entertained at this moment that it is so. If it prove otherwise, this will not be owing to any lack of inclination or of exertions on their part, but to the success of the efforts making by the puros to defeat them. These, although absolutely irreconcilable foes to Santa Anna, are now acting in concert with the Santanistas, (as they would act in concert with *any* faction, a union with whom for the occasion might be necessary to promote the object which they now have in view, as a means to the great end that I explained in my No. 18,) forming with them, what, in a letter from Queretaro, under date the 4th instant, contained in to-day's "Monitor," is called the "Puro-Santanista league," which opened its batteries against the government on the 4th instant, charging it with remissness in pushing the war. This assault ended with a resolution calling upon the ministry to appear and inform the House what measure it had adopted with reference to the war; which resolution was rejected by a vote of fifty odd against twenty-five. I received, three days since, positive information of there being (by the then latest accounts) forty-four votes which could be counted upon for peace. The alacrity now shown by the members of the puro party in hurrying to the scene of action, indicates that they have become impressed with the necessity of bringing up all their forces. From the leading editorial in the last "Razonador," which accompanies this, it will be perceived that the object which governs their movements is no longer a secret. Whether the indignation with which the Razonador speaks of it be genuine, is very questionable. At any rate it would, I doubt not, quickly subside, if matters took a turn to render this expedient; that is, if our country gave the word. The letter referred to says, also, that one of the members of Santa Anna's recent cabinet stated that General Mora, one of the commissioners that met me, and now minister of war, *had agreed to make peace;* (meaning on the terms of our projét, and referring to that time.)

The express by which this is to go (a private one) I did not hear of until this evening, and I must now close.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. James Buchanan,
Secretary of State.

[Translation.]

Queretaro, *October* 31, 1847.

The undersigned, minister of foreign relations of the Mexican republic, has had the honor to receive the note, under date the 20th ultimo, addressed to him by his excellency Nicholas Trist, commis-

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missioner of the United States of America, clothed with full powers to conclude a treaty of peace with the said republic. The undersigned has received also the note of his excellency Mr. Trist in reply to that addressed to him, under date the 6th September, by their excellencies the commissioners on the part of Mexico for negotiating a peace.

Although the two documents referred to leave but little hope that peace may be re-established, the undersigned can assure his excellency Mr. Trist that the government of Mexico is animated by the same ardent wish as his excellency for the cessation of a war the calamities of which now bear heavily upon this republic; and the consequences of which will, sooner or later, make themselves felt by the United States of America.

The undersigned will, in consequence, have the honor, in the course of a few days to advise his excellency Mr. Trist of the appointment of commissioners to continue the negotiations for peace, to whom will be given instructions for the previous adjustment of an armistice, which the government of the undersigned believes will conduce greatly to the good result of the said negotiations.

The undersigned offers to his excellency Nicholas Trist the assurance of his very distinguished consideration.

LUIS DE LA ROSA.

[No. 21.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, November 27, 1847.

SIR: I have the honor to acknowledge the receipt, on the 16th instant, by a courier from Vera Cruz, of your despatch of the 25th ultimo, accompanied by the triplicate of that of the 6th of the same month, the original of which was delivered to me on the evening of the next day by Mr. Smyth, the bearer of despatches. The duplicate has not yet come to hand. It probably forms part of the large mail which, agreeably to the intelligence received here, left Vera Cruz in company with General Patterson, who had stopped at Jalapa.

On a future occasion, perhaps, should I ever find time to employ on a theme so insignificant with respect to the public interests, and so unimportant in my own eyes, so far as regards its bearings upon myself personally, I may exercise the privilege of examining the grounds for the censure cast upon my course by the President, and explaining those upon which rests the belief, still entertained by me, that that course was calculated to attain the end contemplated by our government, and was the only one which afforded the slightest possibility of its being attained—the end, I mean, of bringing about a treaty of peace on the basis, in all material respects, of the project intrusted to me. For the present, I will merely call attention to the fact that a mere offer to *refer a question* to my goverument constitutes the only ground on which I can be charged with having "gone so far beyond the carefully considered ultimatum to which [I was] limited by my instructions."

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Whether this offer, under the circumstances and prospects of the crisis when it was made, was wise or unwise—I mean with reference to the end desired by our government—is a question which no longer possesses any practical importance; though the time was, when it constituted with me a subject of the most careful and the most anxious deliberation; not because of the personal responsibility attaching to the decision in which that deliberation resulted —for that never occupied my mind for an instant—but because I knew and *I felt* that upon my own decision depended, according to every human probability, the early cessation of the war, or its indefinite protraction. The alternative presented by the position in which I found myself was, on the one hand, to keep on safe ground so far as I was personally concerned, and destroy the only possible chance for a peace; on the other hand, to assume responsibility, and keep that chance alive, with *some* prospect at least— and, all things considered, as perhaps I may hereafter take the trouble to show, by no means a prospect to be despised under such circumstances—that the adoption of our projét might come to pass.

* * * * * * * * *

Upon referring to your two despatches above referred to, my first thoughts was, immediately to address a note to the Mexican government, advising them of the inutility of pursuing their intention to appoint commissioners to meet me. On reflection, however, the depressing influence which this would exercise upon the peace party, and the exhiliration which it would produce among the opposition, being perfectly manifest, I determined to postpone making this communication officially, and meanwhile privately to advise the leading men of the party here and at Queretaro of the instructions which I had received. Their spirits had, for the last few days, been very much raised by the course of events at Queretaro; and one of them (the second of the two heads mentioned in a late despatch) called on me, on the very day after your despatches came to hand, for the purpose of communicating the "good news," and making known the "brightening prospects." Upon my saying that it was all too late, and telling what instructions I had received, his countenance fell, and flat despair succeeded to the cheeriness with which he had accosted me. The same depression has been evinced by every one of them that I have conversed with, whilst joy has been the effect with those of the opposite party who have approached me to inquire into the truth of the newspaper statement from the Union. By both parties the peace men were considered as floored; this was the *coup de grace* for them.

Mr. Thornton was to set out (as he did) the next morning for Queretaro; and I availed myself of this, privately to apprise the members of the government of the state of things with reference to which their exertions in favor of peace must now be directed, and to exhort them not to give up, as those here had at first seemed strongly disposed to do, and, as it was believed here, that those at Queretaro would at once do. Fortunately, however, when the news reached there, they had just

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taken in a strong dose of confidence—the result of the meeting of the governors—which has served to brace them against its stunning effect. Mr. Thornton left here on the 17th, and was to complete his journey on the evening of the 21st. Before he had reached there, I was privately advised here of the appointment of the commissioners named in the official note from the minister of relations, under date the 22d, herein enclosed, together with a copy of my reply to the same, which was despatched from Queretaro on the morning of that day. Their extreme anxiety on the subject may be judged of from the fact that I have received, already, the same communication in duplicate and triplicate. The peace men did not cease, for several days, to implore me to remain in the country, at least, until Mr. Parrott shall have arrived with the despatches of which report makes him the bearer. To these entreaties, however, I have turned a deaf ear, stating the absolute impossibility that those despatches should bring anything to change my position in the slightest degree. General Scott at once said, that he would despatch a train at any time I might name. And I should have set out before this, but for two considerations: one, that the garrison here is already so small that its duties are exceedingly oppressive to both officers and men, and the matter would be made still worse by the detachment of another escort; the other, that General Scott has been engaged, during the whole time that was not employed in the discharge of his current duties, in drawing up charges against General Pillow and others, which had first to be done before my testimony (that is highly important) could be taken in the case. For these reasons, I determined to postpone my departure until the return of the train under Lieutenant Colonel Johnson, which is expected on the 4th or 5th of next month. Should it be delayed beyond that time, and should any reinforcements have arrived here, or be near, I will set out immediately after. It will take us twelve days, at least, to reach Vera Cruz.

I recommended to the peace men to send immediately, through General Scott, whatever propositions they may have to make, or to despatch one or more commissioners with me. After full conversations on the subject, however, I became thoroughly satisfied of the impracticability of either plan; it would, to a certainty, have the effect of breaking them down. The only *possible* way in which a treaty can be made is, to have the work done on the spot—negotiation and ratification to take place at one dash. The complexion of the new congress, which is to meet at Queretaro on the 8th of January, is highly favorable. This will be the last chance for a treaty. I would recommend, therefore, the immediate appointment of a commission on our part.

I am, sir, in great haste, and very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

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QUERETARO, *November* 22, 1847.

SIR: I have the honor to transmit herewith to you, at the request of Señor de la Peña y Peña, Mexican minister of foreign relations, a note addressed to you by his excellency, announcing the nomination, in consequence of the readiness expressed by you to receive them, of commissioners for the purpose of negotiating a treaty of peace with you. I beg leave to express my earnest hope, that the promptness with which this step has been taken by the Mexican government after the election of General Anaya to the presidency, may serve to you as a proof of their sincere and anxious desire for the fulfilment of the great object which the commissioners have in view.

I have the honor to be, sir, your most obedient, humble servant,

EDW'D THORNTON.

N. P. TRIST, *&c., &c., &c.*

MEXICO, *November* 24, 1847.

To his excellency, DON MANUEL DE LA PENA Y PENA,
Minister of relations of the Mexican government:

The undersigned has the honor to acknowledge the receipt of the note, under date the 22d instant, of his excellency Don Manuel de la Peña y Peña, minister of relations of the Mexican government, acquainting him of the appointment of the commissioners therein named, to negotiate for the restoration of peace. The undersigned regrets to say, in reply, that the powers conferred upon him, for that purpose, have been revoked, and that, agreeably to the instructions received by him, he is under the necessity of returning, without delay, to the United States. At the same time, he has been instructed to say, that any communication from the Mexican government, having for its object the opening of negotiations, or the restoration of peace, will be immediately transmitted, by the commanding general of the United States forces in this republic, to Washington, where it will receive the prompt consideration of the President.

The undersigned still cherishes, therefore, the hope that the signature of the treaty, which has been reserved for another hand than his, is destined to take place at an early day. In this hope, he tenders to, &c.

[No. 22.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, December 6, 1847.

SIR: * * * * * * * *

In the letter just referred to, besides the complimental consideration therein mentioned, (my belief that the appointment of a commission on the part of our government *cannot* now take place in

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time,) I place my determination on the ground of my conviction, "*first*, that peace is still the desire of my government; *secondly*, that if the present opportunity be not seized *at once*, all chance for making a treaty *at all* will be lost for an indefinite period—probably forever; *thirdly*, that this (the boundary proposed by me) is the utmost point to which the Mexican government can, by any possibility, venture." I also state, that the determination of my government to withdraw the offer to negotiate, of which I was made the organ, has been "taken with reference to a supposed state of things in this country *entirely the reverse of that which actually exists*." These four points constitute the heads under which the development of the subject naturally arranges itself.

1. "*First*, that peace is still the desire of my government." Upon this point the words of the President, as I took leave of him, are still fresh in my memory: "Mr. Trist, if you succeed in making a treaty, you will render a great service to your country." These were his words, with an addition respecting the "great distinction" which I should thereby acquire; a matter which to me was one of very slight if of any concern then, and the value of which has certainly not risen in my estimation since, after the additional opportunities which my companionship with this army—truly a "glorious army"—has afforded of knowing by what means "great distinction," true or false, may be acquired; and also of seeing that for distinction's sake, for the sake of the thing itself, the false is as good as the true. It was, however, far otherwise with respect to the "great service." It required no words from any one to impress me with the truth that the restoration of peace would be a great benefit to our country; and the conviction on this point, and the wish born of that conviction, which I entertained and cherished then in common with our whole country, to say nothing of differences in modes and degrees, arising from peculiarities of position on the political board, I entertain and cherish still, with this difference only, that both the conviction and the wish have become strengthened a thousand fold by the same opportunities just referred to.

Such having been the state of the President's mind at the time of my departure, and such the *spirit* in which I was sent here, I have carefully examined the despatches last received by me, (those by which I am recalled,) with special reference to the point now under consideration; that is to say, taking those despatches as the latest expression of the wish and intention of our government as to the restoration or non-restoration of peace, I have examined them with a view to discover whether any change has occurred in the President's mind, in other words the recognised mind of our government, on this particular subject. I have found there no intimation or indication of any such change; nothing whatever which would at all warrant the supposition that he has ceased to believe, or believes any the less strongly now than he did then, that the restoration of peace is highly desirable to the country whom he is charged with the grave responsibility of thinking for, and judging for, and determining for, at this fearful turning point of her des-

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tinies. On the contrary, the determination of the President to put an end to the mission committed to me, is expressly placed on the ground of his belief "that your (my) continued presence with the army *can be productive of no good*, but *may do much harm*." How? The conclusion of the sentence gives the answer: "by encouraging the delusive hopes and false impressions of the Mexicans." The delusive hopes and false impressions here referred to are those to which, in the sentences immediately preceding, the pertinacity of the Mexicans in continuing the war is ascribed: "They must attribute our liberality to fear, or they must take courage from our supposed political divisions. Some such cause is necessary to account for their strange infatuation." It is, therefore, *because* of its supposed tendency to *prolong the war*, that the President apprehends that the continuance of this mission "*may do much harm*." Here, then, is a conclusive proof that, upon the point now before us, the President is still of the same mind as when I left Washington; that now, as then, he considers the protraction of the war a great evil; that now, as then, he believes that to restore peace would be to render a great service to our country; in a word, "*that peace is still the desire of my government*."

Thus has the first point become established in my mind. It is true, that since I left home *the tone of the public mind* of our country in regard to this war has undergone a great, and in one respect a most salutary change, as no one acquainted with the patriotic sentiment which lies at the bottom of her heart could doubt that it would undergo, under the influence of the impressions produced by the view she has taken, altogether erroneous as that view is, and can easily be demonstrated to be, of the occurrences here immediately preceding the capture of this city. 'Tis true, also, that the unanimous determination now manifested in all parts of the Union to support the war has altogether reversed, for the moment at least, the party consequences which, down to the time when this change occurred, were universally considered as certain to ensue from the war, unless it were speedily brought to a close. Of all this I am fully aware. But it is altogether irrelevant to the point just considered; that point being, not what may be the present tone of the public mind in regard to the war, nor what party consequences may be likely to result from its continuance, but simply and solely whether, judging from the communications made to me, I have good and sufficient reason to believe, and am bound to believe, "*that peace is still the desire of my government*."

I will, however, say that if, losing sight of the principle which requires that every public servant in the executive branch shall look to the Executive alone as the rightful and the only rightful channel through which any knowledge of the public will can reach him; if, losing sight of this principle, I had added the considerations just adverted to to the list of those by which it was proper that I should be governed; even in this case, I should have been brought to the same conclusion in regard to the desire and the will of my country, that I have been brought to in regard to the desire of my government: and the conclusion would have been still the

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same in regard to party consequences, both in the broad and in the narrow view which may be taken of them, for my conviction is immeasurably deeper now than it was eight months ago that the early cessation of this war is of incalculable importance to the preservation of the great principles of the democratic party, whilst, with respect to the narrow view of the subject, embracing only the influence which the continuance of the war may exercise upon the results of the struggles for office now going on, I am satisfied, notwithstanding the very decided character of the present war fever, that the expectations to which it has given rise are destined to prove altogether transient, and that the war spirit is soon to subside to the point up to which alone, particularly with reference to such an adversary as Mexico, the high intelligence and the high civilization of our country can permit it to continue; the point, I mean, of giving to the war a sober and steady support, so long as the government, keeping, as hitherto it has done, on the right side, shall continue to prosecute hostilities with a view solely to securing a peace, *so soon as this can be secured upon fair terms.* However great may be the tumult of feelings, occasioned at home by the events here, which crowded themselves into one short month succeeding our arrival near this capital, and whatever be the thoughts which that state of high excitement may have occasioned, the point just indicated is one to which the war spirit cannot but subside.

I consider this certain, because it is manifest that this excitement (except so far as it consists of pure, generous, patriotic joy and exultation at the glorious deeds of our army) consists solely of indignation against this country; and because I know that the appearances by which this indignation has been excited are so entirely deceptive, that it cannot possibly survive a single "sober second thought" upon the truth of the matter, when that truth shall be known. One such thought is all that can be necessary to convert this angry feeling into one of pity and commisseration, and to make our country ashamed that she should have been betrayed into allowing herself to degrade *her* indignation by throwing it away upon such an object; to make her blush at having fallen into the error of fancying that, with reference to a country towards which such sensitiveness is far more misplaced than it would be towards any one of the Indian tribes within our borders, *her* honor could require her to bristle up as she would towards England, or France, or Russia, upon the same affront from them: that is to say, if their governments were to pursue towards her the same line of conduct which, on this stage, has recently marked the exit of the miserable, trembling, vacillating faction, that had possessed itself for the hour of the opportunity to filch from this people, and of the pretext to speak in their name.

What is the character of this country, as compared with ours? The identity between the government and people, which is our most striking peculiarity and our proudest characteristic—which, among us, is perfect, absolute, and uninterrupted for a single day or a single hour—this identity there is not the faintest shadow of here. Whilst *we* constitute, really and truly constitute, *one being* with respect

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to the rest of mankind; whilst we have a government fixed as the eternal hills—a government the stability of which is never for an instant disturbed, and the obedience of which to our will is constant and invariable; whilst this is the condition in which Providence has placed us, the unhappy people of this country do not so much as constitute a *nation* at all: they present but an incoherent collection of fragments of the human family, among whom the principle of concerted action is so weak as to be altogether inadequate even for the purpose of mutual protection at their very hearth-stones, against the mid-day robber and assassin. With respect to what is called their government, they present but a helpless multitude; and this government itself, always destitute of all semblance of stability, is seldom anything but a soulless faction, utterly devoid of sympathy with the people, and intent solely upon haste in robbing, ere it be ousted from its stolen lease of a political power entirely ineffectual for the most ordinary purposes of government, as these are regularly fulfilled in all tolerably well organized communities. Whilst among the nations of the earth we are the one above all others to whom with the greatest equity may be applied, in all strictness and rigor, the international principle that every government must be regarded as the organ of the people who consent or submit to its rule, and that the acts of the one must be regarded as the acts of the other; whilst this is our position, Mexico occupies the very lowest point of the same scale—a point beneath even the one proper to the Indian tribes within our borders; for they have a real *national* existence, both internally and externally, whilst she has none, either for internal purposes or for external: they always constitute one body, and are never without a head to this body—a head which truly represents the collective will; whilst the condition of the Mexican people (for, from want of a more appropriate term, the word *people* must be used in speaking of her inhabitants, when considered as one *mass*) is the reverse of this in all respects, and their existence as a nation is limited to the one single fact that their independence is recognised by the rest of mankind; in other words, that there is a general acknowledgment of the absence of right in other nations to interfere in their internal concerns. Whilst the principle referred to is one of absolute necessity as a rule among nations; and while this necessity extends not only to such acts of governments as are attended with injury to the material interests of other nations, but to such also as affect only points of honor and international decorum; while this rule is necessarily of universal application, still, nowhere else upon our globe is there to be found a people whose helplessness in regard to the factions that, in endless succession, are ever preying upon them, presents equally strong appeals to every generous or good sentiment of the human heart, in its enforcement with respect to them. Nowhere else is there to be found a people in regard to whom the the indulgence of feelings of exasperation or resentment, for any possible breach of international decorum committed by one of those factions, is equally unworthy of a christian people—equally irreconcilable with self-respect in any civilized community. Nowhere

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else does there exist a people in regard to whom the aggravation of their unhappy lot, by injury to their material interests, as a punishment for mere affronts offered by their rulers in departing from the established standard of diplomatic probity or diplomatic courtesy, would be equally abhorrent to the most ordinary justice between man and man.

And does it admit of doubt that, when all this shall once have been adverted to by the American people, the war spirit which now fires the bosom of our country will instantly subside to the point above indicated? Does it admit of doubt that (to say nothing of her civilization, her christianity, and the generosity which becomes her) she will instantly dismiss, as incompatible with her position of pride among nations—as degrading to her dignity and honor—the thought that these could be wounded to the quick, or could be touched at all, by aught proceeding from such a source, in the shape of trembling subterfuge or impudent propositions? And when brought down by self-respect to this point, what will her war spirit amount to? What else can it be, other than a sober determination, free from everything like anger or resentment, steadily to prosecute the war into which she has been reluctantly forced, with a view solely to the end so oft and so solemnly and with such perfect sincerity and truth asseverated by her?—*the end of obtaining peace?* What else can it be, other than a steady determination to secure this peace, so soon as it can be secured on just and equitable terms?—that is to say, so soon as Mexico shall consent to our retaining such portion of the territory which she has placed us under the necessity of occupying in the prosecution of this war, as our country shall deem a just and fair indemnity for the cost of the war, and the sacrifices into which she has thus been compelled.

However unanimous and vehement the determination of our country may have become to support the government in pushing the war actively and vigorously, this determination cannot but continue to be connected with the determination to establish peace so soon as it can be secured upon the terms just stated. To suppose the contrary, is to suppose the character of the war altogether changed, entirely reversed; and that, from being—as it has so often been declared to be, and has so truly been thus far—a purely defensive war on our part, it has become a war *of conquest*. Mere invasion, however extensive, does not make a war the less truly, and strictly, and purely defensive, so long as the intention of the party accords with the determination just referred to, as having been constantly asseverated by our government, and sincerely entertained both by the government and the country. But the instant this determination is lost sight of, or ceases to control and to govern every feeling to which the events of the war may give rise, from that instant the character of the war becomes entirely reversed, and it becomes purely a war of conquest, a war waged through no other motive than acquisition. Whether our country will permit the character of the war thus to become reversed; whether she will see in the weakness and defencelessness of Mexico, or in the deplorable state of things which the internal condition of this coun-

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try exhibits, reasons sufficient to induce her to employ her power in subjugating it, either from motives of ambition or from motives of philanthropy; this is a question which the future alone can settle. But of two things I feel perfectly certain. The one, that this question has never yet been presented to her. The other, that her intelligence will not permit this reversal of the character of the war to take place, without her perceiving that it is taking place; her sagacity will not permit the question just stated to substitute itself unperceived for the question whether the war, *in the character which has thus far belonged to it*, shall receive a cordial support. However vehement and enthusiastic may be the response which she is now giving to the latter, this generous excitement can never so far cloud her reason as to make her confound the two questions, or blind her to the fact that her response to the one has no manner of applicability to the other, cannot rightfully be taken as an answer to the other, and warrants no inference whatever in regard to the answer which she will give to that other.

Such has been the result of my endeavor to seize the true character of the change now exhibited in our country's tone of mind with respect to the war. This is not, as I have said before, among the considerations by which I have deemed it proper that I should be governed in the trying position in which I find myself. But, had it been so, I should have had to enumerate among those considerations my conviction that peace is still the desire of my *country*, as well as of my government.

I will here take leave of this first head, with the remark that—as will be perfectly apparent from what I have to say under the next, with reference to the state of things in this country—this is such as to create *an absolute incompatibility between a sincere desire for peace on our part, and any omission on our part to seize, at the very instant when it may present itself, any opportunity that may occur to make peace upon terms just to ourselves:* for, according to every human probability, this juncture is rapidly verging to a state of things when a treaty of any kind with this country will be an absolute impossibility.

2. "*Secondly*, that if the present opportunity be not seized *at once*, all chance for making a treaty *at all* will be lost for an indefinite period—probably forever."

Upon this point, the explanations of the state of parties in this country, contained in my recent despatches, will have afforded you some means of forming a judgment. I will here repeat, that—setting aside mere *personal factions*—but two parties partaking in any sense of a *national* character (as those both do in one sense, and the best sense; that is to say, they are governed by considerations having reference to what they consider the good of their country) now exist here, with respect to the question of peace or war. Both desire peace, and have peace in view: but the one desires peace immediately; whilst the other, bent upon making the war conducive to its views respecting the mode of promoting the public weal, is no less actively, and energetically, and recklessly opposed to immediate peace, than if it were actuated alone by

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national animosity, in its very bitterest and maddest conceivable excess. In this form, and in this form alone—putting out of view mere personal factions—does there exist in this country, at the present moment, a war party. There is no such thing as a war party, for the sake of war, nor even for the sake of resistance. All minds are satisfied of the utter inutility and hopelessness of this. The only *national* influence which presents—or which has presented, since the downfall of Santa Anna, and the success of the efforts of the friends of peace in organizing a government—any serious obstacle to the making of a treaty of peace, consists of the *annexationists*, of those who are inflexibly resolved, cost what it may, to play out their game (commenced long before the war broke out) of *forcing our country into a connexion with this.* It was through dread of succumbing before this same influence—aided as it then was, and would have continued to be, by many others, of which it constituted the nucleus, but whose cohesion with it went not beyond the point of opposition to Santa Anna, actively or passively—it was through this dread solely that Santa Anna, at the crisis of his destiny, shrank from making the treaty which could alone save him, and which would have given him the power to carry out his despotic designs.

Such is the character of the two parties, on whose struggle the issue to the question of peace or war really depends. And this question is not whether peace shall take place now or a year hence: it is a question between *immediate* peace and indefinite war. That the case stands thus, is perfectly manifest from the position of the two parties at the present moment.

The efforts made by the friends of peace—and never were efforts more active or more untiring than these have been, since they aroused from the supineness in which they had been held by the apprehension of giving strength to Santa Anna if they did anything for peace whilst he remained in power—have been crowned with success far exceeding their most sanguine expectations. They first built up the "provisional government" of Peña y Peña, a government pledged to the cause of peace, and *known* to be sincerely devoted to it. This government they defended and upheld against the ceaseless machinations of the puros, acting in concert with the Santanistas and all the other personal factions who could be brought into the alliance. Whilst engaged in this contest, they have succeeded in bringing the "sovereign constituent congress" together, and in obtaining at its hands the election of a president *ad interim* of the same complexion as the provisional president whom he replaced, and who immediately appointed that predecessor his minister of foreign relations, at the same time that he reappointed to the post of minister of war General Mora y Villamil, the avowed "apostle of peace," known to the whole country as the man who, as one of the four commissioners then treating with me, had, in full cabinet council, taken the lead (which was followed by the others) *in declaring himself in favor of accepting our projet.* During this same struggle, they have carried the elections of president and of the new congress which is to meet in January;

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that president being no other than General Herrera, the man of all others, perhaps, most universally respected throughout the republic for the purity of his character, and one of those same four commissioners, who, on the occasion referred to, evinced his concurrence in the opinion of General Móra. And, finally, they have succeeded in bringing together at the seat of government the governors of the respective States; and, after full conference, in obtaining their concurrence (with one single exception—the governor of Potosi) in the peace policy, and the pledge of their support.

Such is the character and the condition, actual and prospective, of the peace party: a party the principal leaders of which are men whose talents and virtues would command confidence in any country; men, some of whom have never before taken an energetic or an active part in public affairs, and the rest have kept aloof from the government for a long period, except during the short space when it was held by Herrera; men who recently have banded together, and have worked indefatigably to possess themselves of the public posts, *solely with a view to bring about the restoration of peace.* They are now in complete possession of the government *ad interim;* and this government is to be succeeded, on the 1st of January next, by a regular and permanent one, of the same complexion as itself in all its branches, and elected according to the forms of the constitution of 1824, as now restored. But this party cannot possibly stand, *unless the object for which alone it has formed itself be speedily accomplished.* Without this its destitution of pecuniary resources must become aggravated every day; and this cannot continue much longer without sealing its fate: a catastrophe which would involve a total dissolution of the federal government and of the Union.

To bring about this is now the object of the war party; and so little disguised is it, that a decree suspending the existence of the federal government *during the war* has actually been proposed in the constituent congress. Foiled in all their schemes, first to prevent the organization of *any* government after the abdication of Santa Anna; then, to prevent the recognition of the provisional government of Peña y Peña by the State governments; and, after it had been recognised by the States, to prevent its recognition by the constituent congress; foiled in its manœuvres in congress to break up the provisional government by means of degrees of disqualification, and articles of impeachment against Peña y Peña and his two ministers, and foiled again in its combinations (which were very near succeeding) to carry the election of president *ad interim;* and after this election had been carried against them, foiled in their endless schemes for compelling the administration of Anaya to commit itself in favor of the prosecution of the war;—foiled in everything they have attempted, their determination has but become the stronger and the more energetic; and they are now at work to accomplish *out* of congress the object of the decree proposed by them for suspending the existence of the federal government. This can now be done only by means of a pronunciamento; and, in concert with the Santanistas, extensive arrangements have been making

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to have "*the* man," as he is called, declared dictator—a measure which they know would be an empty farce as regards any real power which it could confer upon him; whilst it would be a most substantial reality as to the subversion of the government. The storm thus brewing would have been brought to a head, and been made to burst before now, probably, but for the respite afforded them by my recall. This, which inspired universal joy among them, (a joy that has frankly been expressed to myself personally,) has lulled their apprehensions—which down to that moment were most vivid—in regard to the early negotiation of a peace; and they are now proceeding more deliberately, relying upon the time which must elapse before negotiations can be resumed, and counting with almost equal confidence upon our government sending no more commissioners, and upon the impossibility that any such step can be ventured upon by theirs without greatly weakening its already feeble powers of defence, and greatly advantaging its adversaries. In a word, they know full well that the only way in which a treaty can be possible is by its being made so suddenly that nothing shall be known of its existence until it shall be presented for ratification; and that the means which it will afford to the government for self defence shall be in its hands so soon almost as it is presented—a condition which is absolutely indispensable to its obtaining ratification. Feeling certain on this point, and considering the danger of a treaty as being entirely over for the present, they are comparatively supine. In this particular, the news of my recall—notwithstanding the depressing influence upon the peace party, and the exhilirating effects upon their antagonists, with which it was immediately attended—is advantageous to the former, and to their cause.

But, although thus rendered comparatively inactive, they are not the less steady in the determination which weds them to their purpose; and, as I have said before, nothing can prevent its accomplishment, unless the peace party shall speedily acquire the power of permanent resistance, which nothing but the fulfilment of the end for which they have striven to obtain possession of the government can give. Every day that this is delayed adds to the difficulties of their position, by far the greatest of which is the want of pecuniary means; which want is so great, that they find it impossible to meet even the most trivial daily exigencies of a government. This state of things can continue but a very little while longer. It cannot but bring on the early overthrow of the government, and with it the entire dissolution of the peace party, and death to the sentiment of peace in every bosom that has cherished it.

The chaotic condition which the country will then exhibit, and the nondescript character which this war will then bear, are just as manifest now as they can become after the catastrophe shall have occurred. The purpose of the party whose immediate object is to render a peace *impossible*, will, so far as regards this object, have been completely fulfilled; for this country will then be without a head, with whom a treaty of any kind can be made. It will

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then consist of a collection of separate States, considering themselves as forming together one nation, but without a central government—without a common organ of any sort. The military occupation of the country will then go on. But to what end? For what purpose? What will be the object in view? Certainly not a treaty of peace, when no government will be in existence with which to treat on any subject. The only assignable or conceivable purpose for which the occupation of the country can then be persisted in will be one of these two: either the conquest of the country, involving the subjugation of its inhabitants, by establishing over them a government such as we shall see fit to subject them to, or the use of our military power in directing and protecting the inhabitants in establishing a government for themselves. These are the *only two conceivable ends*, with a view to which "occupation" can then continue; and the only conceivable alternatives to the explicit adoption of the one or the other of these two purposes will be, on the one hand, to act without any assignable object whatever; to continue to pour out the blood and treasure of our country, without being able to assign a single reason why they are poured out; on the other hand, to bring occupation to a close, by withdrawing to such boundary as we may see fit to select.

This is the position in which our country will find herself, if the government which the peace party have succeeded in rearing be allowed to go down; as go down it must and will, unless that peace be promptly made with a view to which alone this government has been built up.

And should "occupation" continue after it shall have put on the *objectless* character which—except upon the supposition that the one or the other of the two ends above mentioned is adopted—cannot but invest it so soon as the treaty of peace shall have been rendered impossible by the destruction of the government, what then will be the character of this war? I mean as to its *concomitants;* for it would be a contradiction in terms to talk in any other sense of the character of a nondescript. In previous despatches I have stated my conviction that a single word from our country is all that is requisite to raise up, or rather to bring out, a party here which would render the permanent occupation of Mexico a matter of very easy accomplishment, and at once convert it almost entirely into a *peaceful* occupation. But for any such effect to be produced, this word *must be pronounced.* Unless this be done, the occupation must continue to bear the character of a hostile invasion—an invasion persisted in for the mere purpose of inflicting injury, or with a view to subjugating and enslaving the people. In this light must it be viewed by every Mexican, and his conduct must, ostensibly at least, square with the duty of the citizen of a country towards such an enemy. Even mere passiveness will, to a great extent, be impossible on the part of those most deeply interested in, and most thoroughly devoted to, the cause of annexation. Everything done by them must be, or seem, compatible with the relation in which the citizen of a country finds himself towards her invader; and they cannot, except to a limited extent, evade even

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the *active* obligations which this relation imposes. In this way, thousands will find themselves compelled to take a more or less active part in resistance, who, upon a declaration from us that the occupation is to be permanent, would at once come out and avow themselves on our side, and actively co-operate with us. The same is true, and to a greater extent, of all those who, without being prepared to take such a step now, would be drawn in by the examples set by the others. Without such a declaration, the whole peace party must, exactly in proportion to the patriotism which has excited them to efforts in favor of peace, become—and it will be for the first time since the war began—actively and energetically devoted to the cause of resistance. It will be manifest to all, that the war is not waged against the government, whose misconduct produced it, but against the country, against the people, with conquest and subjugation for its end; and this being manifest, the war will become, for the first time, *national*—national in the best and highest sense of the word—for every heart capable of a throb at seeing a yoke held up for its country will then be fired with the fire of desperation.

The character of the war thus far has been the reverse of this. The only spirit infused into it has been such as could emanate from the calculating soul of Santa Anna, with no other object in view than to bring it to a close, so soon as this could be done in a manner favorable to himself. Whatever he has done—and he has accomplished things truly wonderful—has been done against the grain of the country. Every honest man in the country was his enemy, and ardently desired his downfall. Every man who had a single feeling for his country, whether from patriotism or from calculation, was his enemy, and desired his downfall. The same hatred, and the same desire, animated thousands of bosoms, altogether devoid of honesty, and devoid of patriotism. Under their influence, added to the apprehension that peace would extend and confirm his power, the wish for peace lay hushed and dormant. Even in those who had been bold enough to avow it, it gave no other sign of life. Everything done by him was done in spite of all this, in spite of all the obstacles which such causes could produce. All the resources of the country which it was possible to withhold from him were withheld. But, let the feeling of national desperation once be aroused, and things will present a very different aspect from any they have heretofore borne. This country cannot effectually resist the power of ours; but such resistance as she is still capable of—partial as this may be, and ineffectual as it may prove—will be of a new complexion quite. *By far the best fighting done in this valley, on the Mexican side, was done by the newly formed corps of militia.*

If, then, the occupation is to be permanent, no time should be lost by our country in making a declaration to that effect. This is due alike to her own material interests, to regard for her own character, to justice and humanity towards the inhabitants of this country. That her position and theirs should at once be defined, is demanded by every consideration which can make a country

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otherwise than absolutely indifferent, for her own children as well as for those of another country, to the prolongation and the aggravation of the evils of war.

3. "*Thirdly*, that this (the boundary proposed by me) is the utmost point to which the Mexican government can, by any possibility venture."

Under this head, I can do but little else than state my perfect conviction, resulting from the best use I am capable of making of the opportunities afforded by my position, that such is the fact. The nature of the subject scarcely admits of my doing more. I will, however, call attention to the fact, that, independently of Texas, this boundary takes from Mexico about *one half of her whole territory;* and upon this fact remark, that, however helpless a nation may feel, there is necessarily a point beyond which she cannot be expected to go, under any circumstances, in surrendering her territory as the price of peace. This point is, I believe, here reached. I entertain not the shadow of a doubt upon the subject. Earnest as is their desire for peace, and for the preservation of their nationality, the peace party will not go a hair's breadth further. If this does not suffice, they will let matters take their course, be this what it may. They *cannot* go further. It would be utterly impossible to obtain the ratification of any such treaty.

I will also state my belief that they cannot maintain themselves long, after making the treaty now in question. Although they will derive from it the means of carrying on the government, and although these means will, I am convinced, be used both conscientiously and wisely, it will, at the same time, furnish to their adversaries a weapon by whose force they can scarcely fail to be prostrated. The great object for which they have formed themselves being once accomplished, the mere loss of power would, I believe, affect them but little, and not at all except through their desire further to benefit their country by the use of that power. But the respect and esteem which they have inspired cause me to entertain serious fears that something worse than a mere political downfall is the fate which awaits them. The same respect and esteem I feel also for the leading men of the opposite party, whose motive and whose object are such as could not fail to command my warm sympathy. I do sympathise with them strongly, and the wish is ardent and steady that the object which they aim at, as the only possible means of rescuing their country from anarchy and oppression, were of possible attainment. But this very wish serves but to strengthen my confidence in the soundness of the conviction—which has become more and more deep and intense, in proportion as my knowledge of the condition of this country has extended—that the thing is altogether impossible. The more the subject has unfolded itself to my view, the more thoroughly persuaded have I become, that, immense as would be the benefit which this country would derive from such a connexion, it would be fraught with evil to ours, immeasurably greater; even in the eyes of the most disinterested and impartial philanthropist, the former could constitute no sort of compensation for the latter. And such,

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I have no doubt, is the conclusion to which our country will come, should the question ever be seriously discussed among us. For myself, deep as is my veneration for our Union, and impossible as I have heretofore believed it to be that I should ever cease to consider its dissolution as the greatest of all imaginable evils, I have been brought to look upon this terrible calamity as a great good, when compared with the annexation—the annexation in our day, I mean—of this country to ours, be it by conquest or "occupation," or be it by compact. That this incorporation is to happen—that, in the fullness of time, it must take place—I have no doubt. But, the hour is not come when it can happen without incalculable danger to every good principle, moral as well as political, which is cherished among us; without almost certain destruction to everything on the preservation of which depends the continued success of our great experiment for the happiness of our race. If this danger is to be brought on, then would it become the most fervent wish of my heart to see a part, at least, of our country preserve itself from it, in the only way in which preservation would be possible. That this might come to pass, and that thus the glorious hope, which has fed itself upon the success of this experiment, should be saved from total extinction, would then be the holiest prayer that could arise from my soul.

There is, however, a question totally distinct from the above, which presents a strong claim upon the immediate attention of our country; a claim founded on considerations of humanity towards this people, as well as on its bearings upon ourselves. It is, whether the very peculiar, the altogether exceptionable nature of the case, as caused by the intimate geographical relation in which this country stands towards ours, would warrant such a departure from established principles, in this regard, as would be involved in a compact that should secure to Mexico the assistance which she needs, and which is all that she needs, for the establishment of a good and stable government. The elements for such a government—although under the pressure of circumstances they have lain dormant and inactive—are by no means entirely wanting in this country; as would seem to be the case, judging merely from the facts exhibited to the eyes of the world by her past history. Protection for a few years, perhaps for a shorter time, from her own enormously overgrown military class, is all that she needs to bring about a state of things strongly contrasting with that which has heretofore existed here. Upon the solution of this question depends her chance for presenting such a contrast; a thing which is indispensable not only to her own happiness, but to the possibility of her being a good neighbor, to the possibility of her preventing the recurrence of such misconduct on the part of her government and local authorities, as will render peace between us always precarious in the extreme. The offer of such aid would, I am sure, be accepted with delight and deep gratitude.

4. "That the determination of my government to withdraw the offer to negotiate, of which I was made the organ, has been taken

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with reference to a supposed state of things in this country *entirely the reverse of that which actually exists.*"

Under this head nothing more is requisite than a general reference to what has been stated under the three preceding. I will, however, cursorily examine a few of the many points which properly come under it.

The determination referred to is expressly grounded on the President's belief that the continuance of this mission might "do much harm;" that is to say, as has been shown under the first head, do much harm *in the way of preventing* the restoration of peace. This belief could rest upon no other basis than the supposition that the state of things here, at the time when his order would reach me, would be in the highest degree unfavorable to the cause of peace; far more unfavorable than it had been at the time when I was despatched from Washington. The true state of the case was not only different from this, but the direct reverse of it. For the first time since the war began had a peace party been formed. Santa Anna had always been strongly inclined to peace; but this inclination, like every other feeling of which his bosom is capable, was a purely selfish one, and he had been waiting for an opportunity when peace might be made with advantage to himself and to his own despotic propensities and designs. Such was not the character of the peace party which had formed itself upon that man's downfall. It consisted of the *élite* of the patriotism of the country; men who had the good of the country at heart, and who, in seizing the opportunity at the very instant that it presented itself, and from that moment sparing no toil which could bring them to their object, had been actuated solely by an ardent desire of peace, for the sake of peace and for the sake of their native land. This party had organized itself, and built up a government, and had accomplished all that I have stated under the second head. In a word, the state of things here, in all respects, was such, that if it had been contrived and arranged for the express and sole purpose of giving to the discontinuance of this mission the character of a deadly blow to the cause of peace, at the very moment when that cause was on the point of prevailing, this fatal character could not have been stamped upon it more clearly and manifestly and indubitably than it now is—than it now is to the eye of every human being in this country who ever bestows a glance upon the signs of the times. There is not one single friend to peace here but reeled and staggered under the blow. There is not a single enemy to peace here from whose bosom there did not burst forth the shout of joy and triumph at seeing that blow fall.

Of all this the President knew nothing; and the supposition by which he allowed himself to be governed (under the influence, doubtless, of "*private*" representations from an intriguer who, to the deep disgrace of our country—as she will, ere long, deeply feel, on beholding the picture, faint though it will be, of the unimaginable and incomprehensible baseness of his character—pollutes this glorious army by his presence,) made the state of things in this country "*entirely the reverse of that which actually exists,*"

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and which already existed when his determination was formed. Had he known the truth—had he formed the faintest conception of it—had he so much as dreamed of the possibility of a state of things here, approaching in the remotest degree to that which actually existed, he could not have believed that the continuance of this mission could do "much harm:" unless, indeed, the indefinite protraction of the war was the *good* aimed at, and to cut it short would be to do *harm*. On no other supposition than this could he have believed otherwise than that his highest and most solemn duty to his country required that he should *not* discontinue this mission. On no other supposition than this—however great might have been his dissatisfaction, and however extreme his displeasure at the course pursued by me—could he possibly have failed, simultaneously with *my* recall, to clothe some other person with those powers, the existence of which *here* was rendered by that state of things indispensable to the cessation of the war.

Passing from this point, I will take up another. The state of things with reference to which the supposition which governed the President's mind has just been seen to have been the direct reverse of the truth, was contemporaneous with the decision formed by him; and, consequently, it was impossible that he should actually know anything about it. But the unfortunate characteristic is not confined to that particular supposition. It belongs equally to the view taken by him of events which had occurred and which had become known at Washington. Here, also, this unhappy reversal of the truth has taken place. In this view, as in the other, everything was seen upside down.

In the armistice and in the negotiation nothing could be perceived but a *ruse* of Santa Anna, a mere trick *to gain time*. By the "Union," General Scott and myself have been held up to the country as having been hoodwinked and duped—as having put trust in the good faith of Santa Anna. Such is the complexion of the balderdash with which our country has been edified upon this theme.

The armistice! This was entered into by General Scott *without authority*, and contrary to the intentions of the government. So has the country been given to understand by the "Union." *Without authority!* And he, the general-in-chief of the armies sent here to *conquer a peace*, sent here—so has our government solemnly asseverated to our country and the world—for the sole purpose of bringing the war to a close, in the only way that events had proved that it could be brought to a close, by beating Mexico into a disposition towards peace. The commander of these armies, sent here for this purpose, was *without authority* to grant a suspension of hostilities, in order that peace might be made! And this, too, at a juncture when he was cut off from all communication with his government, and when he had at his elbow an agent of that government, who found himself there solely in consequence of the earnest desire, the extreme anxiety of the chief magistrate who had despatched him, that peace might be made at the earliest possible moment.

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Without authority! Unhappy admission! Even if it had been true, most unlucky slip of the tongue! Why, the armistice is the crowning glory of this campaign, of this war, of the life of Winfield Scott. If the war were to last a century, nothing could occur to surpass it; nothing could occur that would approach it in its honor-giving efficacy, in its honor-giving efficacy to our country. A thousand *Cerro Gordos*, with a thousand *Contreros*, could not eclipse it for a moment, could not dim its lustre in the slightest degree. View it under whatever aspect you will, and it shines equally bright. Had it been nothing but a stroke of policy, of *national* policy, in the broadest and most respectable sense of which the word admits, nothing could have occurred so calculated to elevate our country in the eyes of the world, to put her in the right even to those who had before deemed her in the wrong. Had it been nothing but a stroke of mere *party* policy, in the narrowest and least respectable sense of which the word admits, nothing superior to it could have been devised. The whole genius of Talleyrand might have been devoted for a twelve-month to the subject, and then he could not have contrived anything better calculated to rescue the administration, and the party that had brought that administration into power, from the peril which threatened them with quick destruction. In proof of this, see the change which has come over the land! And look at the fact that this change is owing wholly to the armistice, because it is owing wholly to the course which matters took under the armistice. These things together have constituted the medium through which the new view of the war now taken by our country has been taken, and except through which it never would have been taken.

But the armistice was no stroke of policy, of the one kind or of the other. It was something far better, far purer, far loftier. Whatever disposition there may be to repudiate it as an act of the administration, the honor of it is secured to our country. It is hers, and nothing—no chicanery, no nonsense which can be uttered about "want of authority;" no stuff, however gross, or however dexterously absurd, which can be poured out through the "Union," or through any other channel—nothing can make it otherwise than hers. The fact is unchangeable. The armistice is her work, and the honor of it belongs to her. It was her work, because it was done by a public servant who, in doing it, considered himself merely as doing what her spirit, her will, required that he should do. True, he considered himself also as doing nothing but what was required by due conformity with the intentions and strong desire of another of her public servants, the highest in authority, and the proper organ for the manifestation of her will. But, even although he should have been mistaken on the latter point, this cannot affect the truth in regard to her. It was her work, because it was the honest fruit of her honest desire for peace, operating through the bosom of the servant by whose hand the work was done. And the occasion afforded proof, too, of the high tone of the patriotism which animates that bosom, and of its superiority to the suggestions of party rancor or of party calculation. He knew,

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as well as any one knew, the perilous position of the administration, and of the democratic party, with reference to this subject. No insight was clearer than his into the nature of that peril, and into the indispensableness of peace, of early peace, to avert it. At the same time he felt, keenly felt, the many wrongs which he considered himself as having suffered at the hands of that administration; and, above all, he was indignant at what he considered as both the injustice and the ill-faith involved in the endeavor to supplant him after he had been sent here to carry out—as he has done, in so beautiful, and masterly, and glorious a manner—the plan of campaign devised by himself. But all this was nothing. His nature is too lofty, his perceptions of high principles too clear, his obedience to them too steady and habitual, to admit of his swerving, under the influence of such feelings, from his line of duty as a servant of his country; and, governed as he was by this sense of duty, no servile tool of party could have been more earnestly or more anxiously solicitous to fulfil the wish, the all-engrossing wish of the administration, than he proved himself to be on this occasion, and on every occasion, when the fulfilment of that wish could be in any degree affected by aught which he could do, or which he could omit doing.

The armistice was his own act, emphatically his own. It required no advice, no argument, no suggestion from me. Had any such suggestion been necessary, the high estimate which, with every possible prepossession against him, I had been forced by stubborn facts to form of his character, would have become greatly lowered. Had he under the circumstances of that crisis, as known to us both, omitted to enter into that armistice, I should have considered this omission as the cause of the indefinite protraction of the war; and although it might not, and probably would not, have had the effect of shaking the confidence which my knowledge of him had inspired in his patriotic intentions, I should have denounced it as such.

And we had been duped! By whom? By *Santa Anna!* We had innocently put trust in the good faith of—whom? *Santa Anna!* This is the "Union's" way of accounting for the armistice and the negotiation! This is the only explanation of the deep enigma which access to high sources enables the "Union" to afford to the country! This is the conjecture which, with the aid of such lights, is deemed rational and probable with respect to the general-in-chief of the armies of the United States, and with respect to the agent employed by their government to execute a trust, which, in the eyes of that government, was one of some importance!

Rational and probable as it may be, however, it is nevertheless quite erroneous. Upon this stage, whatever may be thought of the matter at Washington, it would be difficult to find a person, however low in understanding, with reference to whom such a conjecture would be deemed otherwise than indecent. *Santa Anna!* The most *notoriously*, if not the most thoroughly unprincipled man whom this country holds; a man, in regard to whom it would be scarcely possible to find a woman or a child that knew how to read, who could be made to believe that the most solemn asseverations

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coming from *him* would be worth a straw. And yet, this is the man by whose assurances the American general-in-chief and the American commissioner were duped! However probable, it is all a mistake to believe that it so happened. No such proof of imbecility was given by either as to suppose for an instant that Santa Anna was capable of good faith for the sake of good faith, or that his word was to be trusted. And yet we did believe him sincere in his professed desire for peace. Why? For the same reason that a man who, when seen drowning, should be heard to express his desire for a plank, might, although he were the most notorious liar that ever existed, or that can be conceived to exist, even such a man might, under such circumstances, be believed to be sincere; and this without the believer's being a dupe. And if, upon the plank's being thrown to the drowning man, he should, in the bewilderment of the moment, fail to avail himself of it, and should go down in consequence, all this would amount to proof of insincerity on his part, or of imbecility on the part of the person who had believed him. It would be a proof of this, and nothing more—that he had lost his head, and become, from the circumstances of the case, incapable of knowing how to act. Such precisely (as every one here saw, and as the event has proved) was the nature of Santa Anna's position, and such the ground and the sole ground of our belief that he was sincere in expressing a desire for peace. We believed this, because it was in the nature of things impossible that it should be otherwise; because nothing short of the most conclusive proof that downright madness had suddenly taken possession of him, in place of the calculating and sagacious selfishness for which he is proverbial, could have made any sane man believe that the bent of his mind could be on anything else save peace. That this actually *was* the case, as well as that it must be the case, everything conspired to prove then, and everything has conspired to prove since.

The sincerity of his desire proved *itself*—proved itself in every way in which the nature of the case rendered it possible that it should prove itself—by giving rise to acts which could not possibly proceed from any other motive. No such proofs were necessary, to satisfy any mind acquainted with his position and his utterly selfish character, and with the condition of the country; but still many such were afforded.

No sooner had the armistice been entered into than he published the "Manifesto to the Nation," a copy of which was transmitted by me at the time. In this he asserts and demonstrates the international obligation of *listening to propositions of peace.* Did he stop at that point? What he had done thus far did not require him to go beyond it. He *could* not have done so; it would have been just the reverse of craft and cunning; it would have been sheer imbecility to do so *without an absolute necessity.* Every prudential consideration demanded that if the purpose which he then entertained required only a justification of the armistice, he should strictly confine himself to that topic. But he did not so confine himself. His purpose did require more—much more; for his purpose was *to make peace.* He had become fully convinced that peace

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was necessary, and that this necessity was urgent and immediate, not only for the good of his country, but for that which alone he cares about—his own good, his own safety. Thus convinced, he had made up his mind to act, to *make peace;* and for this purpose to cut the Gordian knot of constitutional questions, by *assuming* whatever powers might be necessary. That such was his state of mind, that such was his determination, and that he then believed this determination to be fixed beyond the possibility of change, it is impossible to doubt, after reading the following passage—although, to feel the full force of the proof which it affords, it is necessary to be perfectly acquainted with the nature of his position and the state of the country at that precise moment. Passing from the armistice to what he considered as certainly to follow the armistice, he said: "*A perpetual war is an absurdity;* because war is a calamity, and the instinct of self-preservation, which is even stronger and more powerful in nations than in individuals, recommends that no means whatever be omitted that may lead to an advantageous arrangement. To adopt this course *the constitution gives me competent authority.* Consecrated to interests so noble and highly privileged," [that is, the interests of peace,] "it is my duty to maintain at all cost the respect and reverence due to the supreme authority with which I am invested. * * * * I will be yet more explicit: sedition and attempts at subverting the government *shall be exemplarily punished.*" Thus, in defiance of the decree of the 20th April, and of any other decree or law, or constitutional provision; thus trampling under foot every obstacle which stood or which might stand in his way to peace; and thus conquering for the moment the chief obstacle of all, (and the one before which he finally quailed,) his dread of those at whom these last words are aimed, and whom they threaten with his avenging power; thus did he proclaim his irrevocable resolve to take the whole matter into his own hands, and announce that he was then acting in pursuance of that resolve.

Is such a course as this (on the part of a man of his base stamp particularly) reconcilable with the crude notion which constitutes the germ of what I have called, and call again, (knowing no other name for such stuff,) the *balderdash*, the unworthy, the disgraceful balderdash, with which the "Union" has insulted the intelligence of our country upon this subject? Where is the man who is able so far to blind himself as not to see that, if no other proof existed, this manifesto stands there as a substantial reality, the existence of which is absolutely irreconcilable with any such belief as that the armistice was a mere trick of Santa Anna's, to gain time? with any such belief as that he did not then intend to make peace? with any such belief, even, as that he possibly could, at that moment, have believed otherwise than that peace was immediately to take place?

Again, take his appointment of commissioners. Whom did he select for this office? His own tools, who would do whatever he might bid them do in the way of chicanery and cheatery? No! He selected men of the very highest standing, from the ranks of

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the party which had always been opposed to him: men, two of whom were among the few openly-declared friends of peace in the country, and every one of whom—so great was their aversion to have anything to do with him, or with public affairs whilst he held the reins—it was a matter of extreme difficulty to prevail upon to act. With respect to these commissioners I will here repeat a passage contained in my last despatch, under date the 27th ultimo.

"Before quiting the subject, I will call attention to the letter of Don Vicente Romero, contained in the 'Razonador' of the 13th instant. It was the reading of this letter in Congress, on the 4th instant, by Don Eligio Romero, son of the writer, as the ground for the motion with which it concludes, that gave rise to the statement mentioned in my despatch No. 20, respecting General Mora y Villamil. The Romeros are both ultra puros. The father was a member of Santa Anna's cabinet, as minister of justice, at the time when the negotiation took place. The letter, it will be perceived, concludes its attack upou the Peña y Peña administration, by saying: 'and, in fine, General Mora y Villamil is the person appointed to the post of minister of war; he who has been the avowed *apostle of peace*; and so decided in this character, that, in a meeting of the cabinet, of which I was a member, he said (he being at the time one of the commission appointed to receive propositions of the envoy of the north) "*that he had been for many years in favor of peace;* and that *this ought to be made by adopting the propositions made by Mr. Trist:*" in which, let it be known, by the by, *the other commissioners* (Couto and Atristain) *concurred, except Señor Herrera, who did not say a word.*'

"The fact here published to the world by a member of Santa Anna's cabinet was previously well known (as such a fact could scarcely fail to be) to all the initiated here; and that this was the disposition of the commission, of the *whole* commission, was, independently of what had passed in the cabinet, known to their confidential friends. In addition to this fact I will state another, one of many of the same complexion well known in the select political circles here, to wit: that so late as late in the night of Saturday, the 4th of September, Santa Anna was still undecided whether he would not give to those very commissioners whose opinions had thus been declared in full cabinet, a *carte blanche* to negotiate with me such treaty as they might deem proper."

To this latter fact, I have an amendment or addition to make here. Santa Anna's state of hesitancy *ended in a determination to give the carte blanche, and a letter to that effect was actually draughted by the Secretary of State, after* 3 *o'clock, p. m., on Sunday, the* 5*th of September.* This was the state of things when Santa Anna was again made to waver by the interference of a person already mentioned, in former despatches, as the one who had been chiefly instrumental in alarming him at the treaty. After this, he could not again be prevailed upon to come up to the mark. In my despatch giving an account of my last meeting with the commisssioners, on the 6th of September, I mentioned the circum-

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stance of their having come out in great haste, several hours after the time appointed, bringing with them only the *rough draughts* of the counter-project and the communication accompanying it. *Those papers had just been prepared.* The question whether our projét was to prevail *had remained in suspense until that moment.*

Thus near had we come to the attainment of our object! Thus nearly had the restoration of peace to our country come to pass, as the consequence of that armistice and negotiation, in which, through the atmosphere of Washington, nothing could be seen save a trick of Santa Anna to gain time, and, on the part of General Scott and myself, imbecility the most egregious.

No! there was no deceit practised upon either General Scott or myself. There were, it is true, two dupes in the case: but both were the dupes of their own characters—of what passed within their own bosoms, their own hearts, and their own heads—of the moral obliquity which renders them most extraordinary twin phenomena; although these phenomena present one most remarkable difference, to wit: that whilst the production of the one is most easily accounted for by natural and obvious causes, the other is altogether incomprehensible, for the very reason that the circumstances under which it was produced—the circumstances with which our happy country environs every man born and bred within her bosom—are adverse in all respects to the production of such a character.

Of these two dupes, the one was Santa Anna; the other, a most worthy compeer of Santa Anna, so far as he can be made so by the same low craving for distinction, and the same happy facility in deviating from the ways of truth, and in being deaf to the dictates of common justice and common honesty, while pursuing his object; a person, in fine, whose character, in regard to the reach of his mind, and the tone of his mind was most felicitously and accurately sketched by a friend of mine in these words: "It is such as to qualify him for shining at a country court bar, in the defence of a fellow charged with horse stealing; *particularly* if the case were a bad one, and required dexterous tampering with witnesses."

These two were the dupes in the business, and the only dupes; the only dupes *here*, at least; for I cannot pretend to say how many each of them may not have made *elsewhere*. Of the American, I may have, I *shall* have, I know, more to say hereafter. Here, I will confine myself to the Mexican.

Santa Anna, then, was a dupe in more than one particular: he was the dupe of his *suspicions*, the dupe of his *hopes*, the dupe of his *fears*, and, finally, *my* dupe, although very innocently and unintentionally on my part. Of his suspicions, inasmuch as he allowed himself to be brought to believe that the armistice was, on our part, a mere trick to "gain time" for reinforcements to arrive, a trick *on our part*, just precisely a match for, the very twin brother of, the one on *his* part, which our country has been given to understand by the "Union," that General Scott and myself had proved ourselves such arrant imbeciles as to be taken in by. Of his hopes,

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inasmuch as he allowed them to flatter him always with the possibility that the *next* conflict might prove favorable to the Mexican arms; and that the national honor being thus vindicated, he should be enabled to make a treaty with far less risk to himself. Of his fears, inasmuch as he allowed them to make him believe that there would be less danger in abandoning than in carrying out the bold determination which had dictated his manifesto, and an unflinching adherence to which—as the event has proved—could alone save him, as it unquestionably would have saved him, for the time, at least, and very possibly forever.

The manner in which he came to be my dupe was as follows: while at Puebla, I had been approached—not on the part of Santa Anna, but of a foreigner deeply interested in the restoration of peace, and exceedingly active in his endeavors to bring it about—by a person whose object was to obtain some idea of the terms to which it was necessary to reconcile Santa Anna. He touched upon the territory between the Nueces and the Bravo as being the point of greatest difficulty; and my answer was to this effect: "I can say nothing about the boundary until the negotiation shall have been opened; but let them take this step, and they will find that our terms are not so bad, perhaps, as they expect." This person, as I discovered after the negotiation had commenced, left me, impressed with the idea that the Rio Bravo would not be insisted upon; and this impression being communicated to Santa Anna, he was greatly influenced by it in venturing upon taking the position which he did in his manifesto. Upon discovering the mistake he was greatly alarmed and incensed.

One more point I will touch upon under this head: *the terms of the counter-projét.* Here, in truth, was a trick, and a trick of Santa Anna's; but it was not practised upon or against us—his own country was the object. It was never expected that this counter-project would be considered by me—would engage my attention for a moment. The time when it was presented proves this conclusively; for it was not produced—it was not written—until the 6th of September, when all idea of peace had been abandoned. This paper was but a part of Santa Anna's store of *ad captandum* "material," which, true to his character, he had begun to provide himself with from the beginning, to meet the possible contingency of a failure of the negotiation; in which event, it would be necessary for him to be able to prove, that, notwithstanding his having consented to negotiate, he had been as strenuous in upholding the interests and honor of the country as the most ultra of his assailants could have been. This character is so deeply stamped upon the entire series of documents, (which, be it remarked, he lost not a moment in publishing and scattering all over the republic,) that it would be as easy in our country to find a man unacquainted with the taste of table-salt, as to find here a person of tolerable intelligence who would require more than a glance to see into the whole proceeding; to see that there is nothing in it but the thread-bare trick of political mountebanks, to hide up the truth under a great show of

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"official" falsehoods, prepared before hand, to be suppressed or to be produced, according as circumstances may require.

But, in respect to this also, as in regard to everything else, the telescope proves itself to be an inverting one. While the real, *bona fide* intention, (it may not be an unnecessary precaution, here, to protest against my use of this term being taken as a proof of idiocy, by being construed into an admission on my part that it is within the bounds of possibility, that Santa Anna should ever act in *good faith*, according to the true and proper sense of the words; that is to say, good faith for *its own sake*,) while this real *bona fide* intention to make peace converts itself, for all eyes viewing matters through that telescope, into a shallow trick, the shallow trick now under consideration, converts itself into an expression of real, genuine *bona fide* intentions. Nay, it puts on *dignity*, high dignity; dignity enough to make it worthy of arousing the sense of dignity of our government; dignity enough to require our government to become careful, and solicitous, and alarmed about what the poor Mexicans are so often heard to talk of under the name of "*pundonor*." To this extent, nothing short of it, goes the transformation! The pitiable expedient of a miserable, trembling faction to save itself, to prolong its miserable existence by practising upon the stupid ignorance and playing upon the imbecile pride of its own country, this stuff transmutes itself into something which can touch and wound the dignity of ours. 'Tis true, the faction from which the trick proceeded had actually terminated its existence, and become fugitive and outcast, scattered to the winds, before the power of the printing press, prompt and rapid as it is, could be brought into play to make the trick effective; before the power of steam could carry the thing to the press in the nearest part of the United States. But this did not alter the case: the "terms proposed"—*proposed* in the sense I have stated, and in no other—were derogatory to the honor of our country, and she must bristle up. Yes! our country, the United States of America, must bristle up! Just as she would do if derogatory terms had been proposed, in the most deliberate and solemn manner, by England, or France, or Russia. And against whom must she bristle up? Against whom must she feel indignant and resentful? Upon what object must her high wrath be poured, and the sin of that faction be visited? Upon Mexico! Upon unhappy, distracted, faction-torn, helpless Mexico! She is the being with respect to whom the United States of America must be vigilant and jealous of the high *pundonor!* Her unhappy inhabitants—for they *cannot* be called a *nation*—her helpless inhabitants—no wish lay so deep at the bottom of their hearts as the wish to see that very faction broken up and scattered as it has been. It spoke not their will, it had no sympathies with them; it was their oppressor, their worst enemy; its destruction would be to them deliverance. But, on the eve of its downfall, it had made derogatory proposals! Such proposals had actually been written down upon a sheet of paper, and that paper had actually been handed to a commissioner of the United States of America! The *pundonor* consequently had been touched. And what? Let my country give the

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answer. When the truth shall have become known to her, and she shall have bestowed one thought upon it, let her say what are the feelings on her part which become *her* civilization, *her* intelligence, *her* position of pride among the powers of the earth.

Alas, alas, alas! My national sensibility has, I confess it, been outraged. My pride of country—and but few of her sons can be prouder of the title—has been touched to the quick, wounded in its very core. But *my* pride of country is not of the right sort, perhaps; for the indignation which it causes me to feel, directs itself to what *may* be the wrong quarter. Most certain am I that the feeling which preceded it was mortification, not anger.

Here concludes what I have to say for the present—and I trust I shall never again be under the necessity of touching the subject—under this last of the four heads into which it has divided itself.

It had been my intention, on commencing this communication, to limit it to those four heads: that is to say, to an explanation of the reasons by which I have been actuated in taking the determination which now keeps me in this country. But, whilst engaged in this task, my mind has necessarily reverted to the whole series of events in which I have taken part, embracing *the offer made by me to the Mexican negotiators.* Whilst this topic is fresh in my thought, I will, to enable me to dismiss the entire subject at once—and I hope forever—enter into the explanations which that offer requires, in order that a just opinion may be formed respecting it.

In my last despatch, after acknowledging the receipt of the communication recalling me, I said:

"On a future occasion, perhaps—should I ever find time to employ on a theme so insignificant with respect to the public interests, and so unimportant in my own eyes as regards its bearings upon myself personally—I may exercise the privilege of examining the grounds for the censure cast upon my course by the President, and explaining those upon which rests the belief, still entertained by me, that that course was calculated to attain the end contemplated by our government, and was the only one which afforded the slightest possibility of its being attained: the end, I mean, of bringing about a treaty of peace on the basis, in all material respects, of the projét entrusted to me. For the present, I will merely call attention to the fact, that a mere offer to *refer a question* to my government constitutes the only ground on which I can be charged with having 'gone so far beyond the carefully considerd *ultimatum* to which [I was] limited by [my] instructions.'

"Whether this offer, under the circumstances and prospects of the crisis when it was made, was wise or unwise—wise or unwise, I mean, with reference to the end desired by our government—is a question which no longer possesses any practical importance; though the time was when it constituted with me a subject of the most careful and the most anxious deliberation, not because of the personal responsibility attaching to the decision in which that deliberation resulted—for *that* never occupied my mind for an instant—but because I knew, and I *felt*, that upon my decision de-

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pended, according to every human probability, the early cessation of the war or its indefinite protraction. The alternative presented by the position in which I found myself was, on the one hand, to keep on safe ground, so far as I was personally concerned, and destroy the only possible chance for peace; on the other hand, to assume responsibility and keep that chance alive, with some prospect, at least—and, all things considered, as perhaps I may hereafter take the trouble to show, by no means a prospect to be despised under such circumstances—*that the adoption of our projet might come to pass.*"

At the time when this was written, I had no idea that I should ever occupy the position in which I now stand. I considered my connexion with this whole subject and with public affairs generally (except as a citizen) as having terminated forever; and regarding the question, therefore, as devoid of all practical importance to our country, I deemed it improbable in the extreme that I should ever allow myself to be tempted to waste upon it any portion of the time which I am provided with full occupation for, during the remainder of my life, upon numberless topics, the investigation of which is to me a pleasure, that nothing but the active duties of life has power to draw me from. But the state of the case is now entirely changed in this respect. In consequence of the determination upon which I am now acting, the question has again become one of direct practical importance to our country: for it has a forcible bearing upon the question presented by that determination; so far, at least, as regards my fitness or unfitness, as manifested by past events, to form determinations of this nature, and consequently, so far as regards the probable complexion of the results which may be expected in this instance. If in the former case—one of some difficulty, certainly—my decision was really not a stupid one, but the reverse; if it was not calculated to injure, but, on the contrary, was calculated to advance the cause which it was intended to promote, then will this afford a presumption, at least, that I am not acting stupidly or mischievously now. And *vice versa*, should that decision, upon an attentive consideration of the grounds on which it rested, appear still to have been unwise, this will afford a presumption that my present course partakes of the same character. In this respect, therefore, the subject is one of immediate practical interest at the present moment.

The question is, *whether the offer made by me was wise or unwise, with reference to the end desired by our government: this end being the early conclusion of a treaty, on the basis of our projet in all material respects; that is to say, so far as regarded boundary, amount of compensation, and the principles involved in the minor details.*

What were the circumstances and prospects under which it was made? This question is, to a great extent, answered by what has been stated above, under the four heads. It has there been seen, in part, on what grounds rested my conviction that Santa Anna was earnestly and anxiously disposed to peace; that the renewal of hostilities would inevitably result in the dissolution of the fede-

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ral government; that the formation of another federal head was improbable in the extreme; that even supposing one to arise, its character, with respect to the restoration of peace, was altogether problematical, and the chances very greatly on the side of its being adverse.

On the other hand, should the armistice be prolonged, these results, would, in all probability, follow: Santa Anna's position, with respect to his own countrymen, would become stronger and stronger every day. Even supposing the causes which had made him recede from the determination which had produced his manifesto to remain in full force, his means of self protection, whilst acting in defiance of those causes, would augment. His nerves would have time to recover from the shocks they had received from protests on the part of the State governments, and arguments and warnings on the part of individuals, which had been pouring in upon him ever since the rumor of an armistice had gone abroad; and which proved how vivid was the apprehension, and how extensively it prevailed, that he was about to make peace. But the causes just referred to could *not* remain in full force. To say nothing of the means he would himself employ for diminishing them, their diminution could not but happen in a way altogether independent of him. The *moderado* party, which heretofore had kept entirely aloof from him, and had never taken any part in public affairs except in opposition to him, now found themselves committed in a very great degree to give him their support, so far as this might be necessary for the restoration of peace. That party had long wished for peace, and the chief cause which had deterred them from active exertions to bring it about was the fear that, if made while he was at the head of affairs, it would confirm and perpetuate his power. While *he* had been waiting for an opportunity when it might be made with advantage to himself, *they* had been waiting in the hope of seeing his downfall. But now, four of the leading men of this party had committed themselves irrevocably to the cause of peace, even although it should be made by him. They had gone so far even as to commit themselves in favor of the acceptance of our projét; and this fact—as is proved by Romero's letter—was known to their political enemies. At the head of these four men was General Herrera, the favorite candidate always of the moderado party, and of the people, for the presidency, as is proved by his having repeatedly been elected to that office. He is at this time the President elect, by a perfectly fair constitutional election, and is to come into office early in January. From this resulted a strong probability that the influence of the whole party would immediately begin to exert itself actively in favor of peace. What, then, did I expect from the offer made me? In the first place, this offer, if accepted, would commit the Mexican government, commit Santa Anna, commit the commissioners—*officially* commit them all—to every *principle* involved in the treaty; to the principle of alienating their territory; and, in a very great measure, to the alienation of that territory *to the extent* demanded by us. Beyond this, I expected, *first*, that the answer from Washing-

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ton would be a peremptory refusal to accede to this modification of the boundary: a refusal which—even if matters here should then remain precisely as they had stood when I made the offer, and none of the highly probable changes in favor of the cause of peace should then have occurred—would at least be attended with the effect of conclusively satisfying them that the determination of our government, on this point, was *unchangeable;* an effect which, considering my long absence from Washington and all the circumstances of the case, could not possibly have resulted from any degree of inflexibility on my part; for this would naturally be ascribed to timidity about departing from instructions. I expected, *secondly*, that when this answer should be received from Washington, the state of things here would be infinitely more favorable to the conclusion of a treaty; and that Santa Anna, thus encouraged, would have recovered entirely from the agitation which had unmanned him, would have become restored to and confirmed in the determination which had produced his manifesto, *and would adopt our projét.*

This is what I *expected*, as the almost certain result of the acceptance of my offer. But, without believing my judgment infallible—and the weakness of my understanding does not go to any such extent—I could not feel *absolutely certain* that our government would give such refusal. My conviction in regard to the degree in which the restoration of peace was *desired* at home, by the country, by the government, by the democratic party especially—on broad grounds and on narrow grounds; my convictions in regard to the degree in which the restoration of peace was *desirable* to our country—these convictions all came upon me in full force. I recollected, too, that the establishment of a "desert" boundary had once been a favorite idea with a portion, at least, of our statesmen. Influenced by these convictions and this recollection—independently of the *positive* advantage which the prolongation of the armistice offered, as has just been explained—I felt it to be my duty to afford to our government the opportunity of determining for itself, whether, under existing circumstances, it would or would not be advantageous to our country to accede to this modification of the boundary, rather than protract the war indefinitely. What would have been my feelings as a servant of the government, as a citizen, as a man; what would have been my feelings, had I, at such a crisis as this, opened anew the dread flood-gate of war, and afterwards discovered that the chance for the restoration of peace, thus destroyed by my cowardly and imbecile selfishness, would have been acceptable to our government?

With regard to the *military* consequences which would have attended the acceptance of my offer, these would not have deterred me from making it, even if the probability as to them had been, to a certain extent, unfavorable to us; that is to say, if it had seemed probable that the difficulty of taking the city would be greater at the expiration of the forty or forty-five days, than it then was. For, even in this case, I should have been governed by the consideration that the object for which our army had been sent here—the

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object for which all the blood and treasure thus far poured out had been poured out—was *peace*. And bearing this in mind, as I have constantly done—and as General Scott has constantly done, to his eternal honor, let it be repeated!—bearing this in mind, it struck me as absolutely incompatible with the motive for the expenditure of all that had been expended, that a good chance for peace, and for preventing all further effusion of blood, should be thrown away, rather than incur the mere *risk* of slightly increasing the difficulty of the next step in the prosecution of hostilities, should the necessity for their renewal occur.

This is the view of the subject by which I should have been governed, even on the supposition I have made. But that supposition is the reverse of the truth. The military consequences of the prolongation of the armistice would have been advantageous to us in a high degree. To say nothing of the chance of reinforcements, the effective strength of our army could not but increase by the recovery of the sick and wounded, who were now, under circumstances highly favorable to them, occupying positions far healthier than the city, at that season particularly. Towards the end of October the heat would have become far less, the dry season would have set in, and the roads would have become dry and firm, and the artificially flooded lands would, to a great extent, have become so likewise.

The only evils in the opposite scale, mentioned in the President's criticism upon the proposed prolongation of the armistice, are, that it would "have afforded the Mexicans an opportunity to recover from their panic, to embody their scattered forces and prepare for further resistance." These evils had, I confess, very little weight with me. This opportunity had, to a far greater extent, and under circumstances immeasurably more advantageous to its being used effectively, been afforded them by General Scott's forced detention at Puebla, through his numbers there being kept down below one-half of the force which, according to his plan of campaign, was necessary to insure its success, and which it had been promised that he should have. And yet, what had been the result? Let *Contreras*, and the events which followed on the same day, give the answer. These had certainly not been of a nature to diminish the mental impressions made by Cerro Gordo; and they served also to prove of what great worth it was to them to recover from their panic, even supposing such recovery to take place whilst they were in the immediate presence of the terrible men whose utter recklessness of life—for this was their own way of talking of them—they had just had such a specimen of. As to the embodiment of their scattered forces, this had already taken place, as far as it was possible that it should happen. There were no more troops anywhere to embody. Upon this point there was no difference of opinion among the most intelligent and best informed foreigners in the country; a class of men who are receiving every day letters from every point of the compass, which keep them constantly informed of every thing that is going on, civil, political, or military, for such is—for reasons that are perfectly obvious—the natural and

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regular complexing of even *commercial* correspondence in a country so constantly convulsed as this.

With respect to what else might come under the general head, "prepare for further resistence," this limits itself to the strengthening of fortifications; and these were already so strong that they could not be made stronger; so perfect and complete everywhere, that, save a trifling finishing off here and there, nothing could be done to them, except to *carry them*, as no one doubted that our troops would do the first time they undertook it, although, for the reasons above stated, it would have been a somewhat easier and a far more comfortable and less dirty job—in the way of mud and water I mean—late in October, than early in September, notwithstanding the fact that we were favored by the weather to a degree which the oldest inhabitants would have pronounced impossible. The detention of our army at Puebla had left the Mexicans nothing to desire in the way of time. On the contrary, time was now a burden to them, owing to the daily increasing difficulty of commanding means to subsist the troops collected here. This was to them a most serious evil, and a cause of constant disquietude. I have omitted to mention it among the military advantages which would have resulted to us from their acceptance of my offer, because, although it would have been a real advantage in this point of view, it would have been a most serious evil with reference to the object for which I made that offer—*peace*. In this regard there was nothing which gave me more, or even so much uneasiness as the prospect of the army's disbanding itself, and of Santa Anna's being thus left without the kind of support on which alone he could ever rely for any purpose, and the continuance of which was absolutely indispensable to his making that treaty of peace which constituted the object for which our army had invaded Mexico, and now found itself at the gates of her capital; and which, at that time, no human being here considered as being possible, *except at his hands*.

On the question as to the value of the prolongation of the armistice to the Mexican side, Santa Anna may be admitted to be a tolerably good judge. He knew better than any one else—his bitterest enemies would readily admit this—what use could be made of forty or fifty additional days, whether in the way of curing his officers and men of the panic disease, or in the way of embodying troops, or in any other way of preparing for further resistance. And what did he think on the subject? He thought that the measure would be attended with military advantages to us, so important and so perfectly obvious that he at once pronounced my offer to be, not a *diplomatic* trick on my part, but a *military* trick, originating with General Scott; and so barefaced a one too, that he was incensed at the insult to his understanding, and to the military qualifications on which he prides himself, and which, in the way of preparation at least, are certainly great; for in this line he has truly accomplished wonders. This notion took such complete possession of him that it was of no use to combat it; and it sensibly increased the bitter personal animosity—strongly contrasting

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with the feelings he evinces towards General Taylor—which he has conceived towards General Scott. He would not hear of my offer. The question upon which his mind vascillated was not the adoption or rejection of that offer, but the adoption of the ultimatum of our projét, that is to say, the giving of a *carte blanche* to the commissioners who had in full cabinet council—although it is due to them to say that nothing of the sort was ever intimated to me—declared themselves in its favor.

The contents of the despatch from the department, devoted to the subject of this offer, may be comprised under two heads: *first*, the reasons which would have determined the President's mind against acceding to the proposed modification of the boundary; *secondly*, "his profound regret" that I should have made the offer; and his "opinion" that the prolongation of the armistice, as contemplated by me, "would have been truly unfortunate."

Upon what comes under the first head, I will remark, that even if those reasons had constituted objections, which, from *the very nature of things* were *absolutely* insuperable; and if, from my knowing myself to possess an absolute infallibility of judgment, I had known with absolute certainty that they were insuperable; still, even on this supposition, they would have constituted no reason whatever against my making that offer. Viewed with reference to the considerations which governed me in making it, those objections, and all possible objections which would be brought into the same array, are seen at a glance to be absolutely irrelevant to the question whether that offer was a proper and a wise step on my part, or the reverse.

I will remark, further, that strong as they are, and although they might and probably would have exercised a decisive influence upon my own mind, as a citizen and voter of our country, on the question of acceding or not acceding to the proposed modification of boundary; still, those objections do not present to my mind the least semblance of being absolutely insuperable from the very nature of things. On the contrary, there is not one of them which I cannot conceive of as being readily surmounted, obviated, and cleared away, without the violation of a single principle, and without wrong to a single human being; and consequently, as being very properly cleared away, if the welfare of our country required it. No one, certainly—unless he pretend to know all things, future as well as present—can assert the absolute impossibility of a combination of circumstances, under which—even in regard to an antagonist so entirely at our mercy as Mexico is—the importance of peace to our country might be so great as to justify sacrifices even greater than any that would have been involved in foregoing every advantage and removing every difficulty referred to in your despatch. And whether the state of things in which our country did find herself at that precise moment was or was not of this character, was a question which—independently of the other considerations which actuated me in the course I took—I deemed it my duty to secure to her government the opportunity of deciding for her.

In the course of the observations which I have referred to this

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head, the country between the Nueces and the Bravo is spoken of as if it constituted absolutely and irrevocably a part of Texas. This point, as I have before said, is altogether irrelevant to the question whether I acted right or wrong in making the offer I did. Nevertheless, I will bestow upon it the passing remark, that if there be any correctness in this view of that matter, then am I altogether incapable of understanding any of the great principles which lay at the foundation of international law. According to the notions, such as they are, which I have acquired, *consent*—mutual consent—is, from the very nature of things, the only possible ground of a perfect right to any boundary; and, by the very terms of her admission into our Union, the right of Texas to the Rio Bravo, as a part of her boundary, was made to depend altogether upon such consent as might thereafter take place on the subject between the United States and Mexico, as, previously to her admission, that same right had depended upon consent between Texas and Mexico. Whether Texas does truly possess "the same sovereign rights over it (the country between the Nueces and the Bravo) as over any other portion of her territory," is a question which depends entirely and exclusively upon consent between parties, of which Texas has ceased to be one. It is a question to which no possible acts of Texas, no possible acts of the Congress of the United States, can be otherwise than entirely irrevelant, except *through that consent;* that is to say, except as constituting reasons and motives by which the precise character of that consent ought to be determined.

In this connexion, it may be remarked that the proposition which I offered to transmit to my government, if it should be made to me, cannot with accuracy be said to have been a proposition that the United States should "surrender that portion of the State of Texas," &c. Even if it had contemplated that the country in question should be recognized as Mexican territory, it could at most have been said to be a proposition that the United States should *restore possession* of that portion of the territory *claimed* by the State of Texas; for, by the very terms of the act admitting her into the Union, as well as by the principles of international law, the *possession* thereof is all that she can be said to have, until her boundaries shall have been ascertained in the manner which that act requires. But the proposition referred to did not contemplate even that the *possession* of that country should be *restored.* It contemplated that Mexico, as well as the United States, should be precluded from occupying it.

Passing to the second head, I will, in the first place, point out the logical error, and the injustice involved therein, of characterizing my offer as going "far beyond the carefully considered ultimatum to which [I was] limited by [my] instructions." This phrase, connected as it is with an expression of the President's "profound regret," is expressive of strong censure on the part of my country, through her proper organ; whilst the idea which it conveys of the ground for that censure is both very indistinct and, so far as it is at all tangible, totally inaccurate.

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The only fact which would correspond with this idea would be the fact that I had signed a treaty, or proposed to sign a treaty, varying from the *ultimatum* to which I was limited. No such fact has occurred. No such fact, even, has occurred as would be necessary to make the statement an accurate one that I had violated my instructions, or departed from them in any way. Why? Because the course which I pursued had no bearing of any sort upon anything contained in my instructions, either expressly or impliedly; because the alternative in which I found myself, and from which there was no escape, was altogether unprovided for in my instructions. For those instructions (and the same is true with respect to those under which General Scott acted) contained not even the remotest reference to an armistice; an omission which, considering the nature of the case, has struck me as being no less extraordinary than unfortunate. I was sent here to make a treaty within the limitations prescribed to me, provided the Mexican government should be disposed to make it. For this purpose I was placed at the side of the commander of our invading forces, and the Mexican government was informed of this fact. But suppose that it should express a disposition to treat, and should ask an armistice for the purpose of hearing my terms, what was to be done then? Even on this point the commander of our army was left to act on his own responsibility entirely; not *directed* so to act, but *left* so to act; placed in a position in which he must take the responsibility of refusing or granting; and this without the remotest hint in regard to the considerations by which he was to be governed when placed in the alternative. And suppose the armistice to occur, and such a state of things to arise as that which did arise—a state of things which, so far as regarded the *negotiation* merely, is of constant occurrence in diplomatic transactions; that is to say, the treaty which I was authorized to make could not be made, but a certain approximation to it might be effected;—suppose this to happen, what was then to be done? Why, of course, acquaint your government with the state of the case; this is the dictate of common sense, and the constant practice accords with it. But, the *armistice*; what is to be done meanwhile as to the armistice? Suppose the continuation of this to be a matter of obvious and indubitable necessity to the preservation of even this chance for the restoration of peace; what is to be done then? Here is another alternative. There is no escape from it. The armistice must be continued, or it must be discontinued. A positive decision is called for. The question is not between acting and *not* acting, between moving and *standing still*, between doing something and doing *nothing*, between assuming authority or *not* assuming authority. The question is between doing one thing or doing the opposite thing. Such is the nature of the alternative. And here, also, did the commander of the army and the commissioner find themselves planted by the government in a position where they could not but take the responsibility of doing the one thing or the other; and this, as I said before, without the remotest hint in regard to the considerations by which they were to be governed.

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Finding myself in this position, I made my election to the best of my judgment, governing myself by what I knew to be the *end* for which I had been sent here, and the *spirit* in which I had been sent. In making this forced and inevitable election, I cannot with any accuracy be said to have violated or departed from, or transcended my instructions in any way; nor even to have *assumed* authority beyond the sphere assigned to me by those instructions. Above all, I cannot be said to have gone far beyond the *ultimatum* to which I was limited.

The Presidents's "opinion" that the prolongation of the armistice "would have been truly unfortunate," is expressed in the following words:

"To have arrested our victorious army at the gates of the capital for forty or fifty days, and thus to have afforded to the Mexicans an opportunity to recover from the panic, to embody their scattered forces and prepare for further resistance, in order that in the meantime you might refer such a proposal to your government, would, in the President's opinion, have been truly unfortunate."

Such is the "opinion," or, in other words, the decision or condemnation, passed by the Chief Executive functionary upon the conduct of one subordinate to him. Infallibility of judgment, however, is not among the attributes of a President of the United States, even when his sentences rest upon full and accurate knowledge of all the facts and circumstances on which their justice depends. Conformity to those decisions, so far as they have a bearing upon their respective fields of service, is all that duty requires on the part of subordinate executive agents. The convictions on which they rest, however honest and however mature, have no right to demand adoption, or to require an acknowledgment of their justness. It is the right of every citizen to examine into this for himself. This right I have exercised with respect to the sentence passed in the present instance; not because of its bearing upon myself, but for the reason that a full examination into its merits, and into the entire subject, was demanded by the highest interests of my country.

The ill consequences here attributed to my offer, in case it had been accepted, have already passed under review, and been seen to be altogether illusory, altogether the reverse of those by which it was likely to be attended. I will here only remark, that to arrest a victorious army at the gates of the enemy's capital is not in itself necessarily an imbecile or an unwise proceeding. The most that can be said in favor of the propensity to view it in such light is, that there is a *prima facie* presumption on its side, and that this advantage may give to the condemnation of the measure a strong hold upon the public mind, although it be in truth altogether devoid of justice. A rational judgment upon its character requires an attentive consideration of a number of questions, which vary according to the nature of the case. Among the inquiries pertinent to the present one, is the following: *Why*, for what purpose, *was* "our victorious army at the gates of the enemy's capi-

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tal?" Was conquest the end in view? or was it military glory and fame, for the army and its commander, and its country? This inquiry is fully answered by the solemn asseveration so often made by our government. It was neither conquest nor glory. *Peace* was the end aimed at. It was solely through the earnest desire of our country and its government for a treaty of peace, that our army had been sent into Mexico. Such being the object for which our army, "our victorious army," was "at the gates of the capital," it follows that to arrest it there, whether for forty or fifty days more, or for a longer period, would have been a wise proceeding or a foolish one, according to the *probabilities* which presented themselves with reference to its conduciveness or its adverseness to that end. Upon this question, the preceding pages shed some light.

Throughout, I have proceeded on the assumption that peace, by means of a treaty, in harmony with what our government judges to be the just rights of our country, is the end, and the sole end, for which hostilities are waged against Mexico. This conviction has governed me on every occasion, and it has constantly governed General Scott likewise. How entirely he has been controlled by it, may be judged by this one fact: on our departure from Puebla, he believed that as we should be descending the slope into this basin, we should be met by an offer to treat, in which case it was his intention to halt the army at the first suitable place, and there await the result. He well knew what a harvest of glory had ripened for our army on this plain, for he never for an instant doubted the issue of the campaign, nor of a single conflict that has taken place; but his mind was made up, and cheerfully made up, to forego all this, when already within his grasp, in order to fulfil the desire of our government and our country for peace.

But, most greviously would he have erred, if Major General Gideon J. Pillow is to be relied upon as an exponent of the views of our government. When the armistice was drawing to a close, this person, then *the second in command of this army* (!) took occasion to have a *diplomatic* conversation with a gentlemen belonging to one of the foreign legations here, who, with expressions of surprise, repeated it to me directly after. General Pillow having expressed great disapprobation of the armistice, (which he had been in favor of *before it was entered into*,) had been answered by explanations of its indispensableness to negotiation. These appearing not to have any weight with him, the gentleman in question was lead to say, "Why, I thought that the object of your government in this war was a treaty of peace." "True," (replied General Pillow,) "that is the object of the *war;* but the object of *this campaign* was, to *capture the capital*, and *then* make peace."

This was from the individual, then, as I have already observed, *second in rank in this army*, and who, in the event of the death or disability of General Scott, would have succeeded to the command! —an individual who gives himself out for the *maker* of the President, (by having procured his nomination at the Baltimore convention,) and as the President's *other self*—a pretension which I

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have reason to believe but too well founded. Justice towards Mr. Polk, and respect for truth, alike require, however, that I should not utter this belief, without at the same time expressing my perfect conviction that the identity referred to extends no further than the point to which it is carried by a blind confidence on the part of the President, in the understanding and the principles of a man who, of all that I have ever known, is the most unworthy of confidence. Beyond this point, the identity goes not. There is not the slightest resemblance between their character in any one respect.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

[CONFIDENTIAL.] MEXICO, *December* 4, 1847.

MY DEAR MR. ——— ———: This letter will occasion you great surprise, but no greater than I should myself have experienced a few hours ago, had a seer, in whose prophetic powers I put faith, foretold to me that I was to write it. Down to that moment, I have, from the time when I last wrote to you, considered it as a thing fixed and unchangeable—as absolutely fixed as any thing can be—that the treaty of peace, which I yet hoped might take place at an early day, was not to be signed by my hand. True, every time the subject presented itself to my mind, my fears had become greater and greater that the opportunity would be lost. The critical position of the peace party—whose difficulties and whose peril, as we fully know, cannot but augment with every revolving hour, until their object shall have been consummated—had seldom been absent from my thoughts; and every time it occurred to me, I became more and more deeply and anxiously impressed with the probability that, through mere delay, through the mere loss of a few weeks, all their efforts were to prove vain; that the incessant exertions, the indefatigable industry, and the patriotic courage on their part, by which the present state of things has been brought about, were, after all, to result in *nothing*; nay, in something far worse than nothing; their own entire prostration and dissolution, through flat despair and death to the sentiment of peace, in every bosom which has cherished it. Still, although this has constantly been the state of my mind on the subject, I have never, until a few hours ago, for an instant wavered from the determination expressed in my reply to your letter; never once conceived the *possibility* of a change in that determination. So convinced had all become, that it was fixed, beyond the possibility of change, that all entreaties and arguments to move me had long ceased. Nevertheless, it now stands reversed. For good or for evil, this reversal has occurred, and has been made known in the proper quarter. I am now resolved, and committed, to carry home with me a treaty of peace, if the Mexican government feel strong enough to venture upon ma-

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king one on the basis, as regards boundary, of the projét originally presented by me, modified according to the memorandum which I subsequently gave to one of the commissioners; that is to say, running up the middle of the Rio Bravo from its mouth to the thirty-second degree of latitude, and thence along that parallel to the Pacific ocean; with free access to and from the ocean, through the gulf of California, from and to our possessions.

If they feel able to make and carry through a treaty on this basis, it would be utterly idle to talk or to think for an instant of any other, and I cannot listen to a single word on the subject; let them say the word, and the treaty shall be made.

If they do not feel thus able, let them surrender at once to the Puros, and dismiss forever all thought of a treaty; for it is the last chance that Mexico can have for one equally favorable to her, or indeed for one which any party in this country can accept. I am fully persuaded that its terms would not, by any means, meet the views *now* entertained by my government. So decided is my belief on this point, that even if I were clothed with discretionary powers to make *any* treaty *which I deemed compatible with those views*, I could not consistently with this limitation offer the terms I now propose; and I should not now make the offer but for my clear and perfect conviction on these three points: *First*, that peace is still the desire of my government: *Secondly*, that if the present opportunity be not seized *at once*, all chance for making a treaty *at all* will be lost for an indefinite period—probably forever: *Thirdly*, that this is the utmost point to which the Mexican government can, by any possibility, venture.

It is my conviction on the second of these points particularly—a conviction which has been becoming clearer and stronger every day for the last fortnight—that causes me to depart from the determination I had taken; a determination which, in any other position than the one wherein this most extraordinary, this altogether unprecedented combination of circumstances, places me with reference to the known wishes of my government and country—places, indeed, that very country itself—it would be so obviously my duty to allow nothing to shake. In my last despatch home I represented the nature of the crisis, and recommended the immediate appointment of a commission. I then hoped that this step might be taken in time. I then considered that whether it should or should not so turn out, and whatever might be the consequences of its turning out otherwise, I had nothing to do but close my eyes to those consequences; for they had passed entirely beyond my control. I did so close my eyes, and I believed for the moment that the subject was dismissed forever from my thoughts. But ever since then, the hope that the step referred to *can* be taken ere it will be too late, has been becoming fainter and fainter every day; and as *it* has thus waned, so have the consequences presented themselves under a more and more threatening and disheartening aspect, as they loomed up through the dim future in their as yet indistinct and ill-defined character, but plainly incalculable immensity.

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Thus has the question which your letter had raised in my mind, and which, on concluding my reply, I had considered as dismissed for once and all, again come up, and brought itself home to me. What is my line of duty to my government and my country, in this most extraordinary position in which I find myself? Knowing, as I do, that peace is the earnest wish of both, is it, *can* it be my duty to allow this last chance for peace to be lost, by my conforming to a determination of that government, taken with reference to a supposed state of things in this country entirely the reverse of that which actually exists? Upon full reflection, I have come to the conclusion that my duty is, to pursue the opposite course; and upon this conclusion I have taken my stand. It remains to be seen whether the Mexican government can come up to the mark, and give effect to my resolve. "*Now or never*" is the word; and I need not say to you that this word is uttered in all sincerity, and with as total an absence of all diplomatic reserves behind it as ever occurred in the most solemn vow pronounced by man. I have had no new instructions, no hint of any kind from Washington or elsewhere, in or out of the United States. The case stands in this respect precisely as when we parted.

I am, &c.,

N. P. TRIST.

[No. 23.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, December 20, 1847.

SIR: In my last despatch, under date the 6th instant, the governor of the State of San Luis Potosi is mentioned as dissentient, in the meeting of governors which had recently taken place at Queretaro, from the determination there formed, to support the existing federal government in its peace policy: I had no idea, when thus alluding to this functionary that I was to be indebted to him for so striking a corroboration, as the one herewith transmitted, of the accuracy of what I have there stated with respect to the character and the intentions of that government, regarding the restoration of peace.

I refer to this letter, under date the 24th November, addressed by him (Don Ramon Adame) to Señor de la Peña, as minister of relations, and republished from a Toluca paper, in the enclosed number of the "Razonador" of the 18th instant. The pretext for this letter, as will be perceived, is to ask for a copy of the proceedings at the conferences which the writer attended; which request being prefaced by a statement of what had occurred at those conferences, the whole is then published, in furtherance of the designs of his party; designs which have been explained in my previous despatches.

The burden of his complaint, as will be seen, is, that at the very opening of the conferences the government established as a preliminary, that the meeting of the governors had been called solely for the purpose of advisement and information, and not in order

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that the course to be pursued by the government should be submitted to their decision, or be controlled by their views. He says: "The cabinet constantly insisted that, even if their votes should be taken, the result was not to be regarded as binding upon the government; and, having previously fortified themselves with extensive reports, they *precipitated the question*, (in utter disregard of the point which had been raised,) by entering upon an exposition of the objections to continuing the war, of the embarrassments of the position of the country, and establishing definitively the necessity of making peace; of making it *in this very negotiation, now pending*, as being the last opportunity, although this opportunity afforded not the means of recovering the hour which has been irreparably lost." He complains that the convocation of the governors had not for its object even so much as to advise with them, inasmuch as the only purpose which it was made to serve, was that "*of establishing in their presence*, and without calling on them for an official opinion on the question, *the necessity of making peace.* A judgment, on the part of the cabinet, so uniform as this, *decided the question.*" He states, also, that "in the course of the debate the ministry had manifested doubts as to *the efficacy of the decrees of the States against an ignominous peace*, and as to *the value of that spirit, with which the country is palpitating, against consenting to conquest, or to a shameful peace.*"

Again, he says: "Not only had the cabinet taken from the governors, or nullified, the very function which it had reserved to them, that of *enlightening;* but, satisfied with their own peculiar *data*, protected by those which might be afforded by that communication from Mr. Trist, and fully conscious that neither advice nor *light* was either practicable or desired, they *put forward their own predetermined and no longer doubtful vote in favor of making peace.* This opinion so firm, this conviction so profound, of its necessity, was at the same time attested by the resignation of the ministers of relations and of justice and finance, if any other course was to be given to the negotiation. For myself, I did not choose at that moment to mortify the supreme magistrate, by an observation which went to demonstrate *that a predetermined plan of proceeding so invincible as this, placed him under subjection and deprived him of all liberty to pursue the path of public opinion.*"

Such is the account given by this governor of the inflexibility manifested by the present federal government, in their determination to *make peace;* to make peace in the only way in which it was practicable, *by acceding to our terms.* Thus substantial was the ground for the alarm with which the minds of the opponents of peace were filled, at the moment when that alarm was suddenly turned into exultation by the news of my recall; or—to state, without any reference to myself, the cause by which this effect was produced—by the news of the President's determination *to withdraw this mission.* This it is, that did the mischief; for *my* removal, had the change been limited to this, would have been a mere circumstance. Not that it would have failed to occasion deep sorrow, and even alarm, in every bosom friendly to peace; for I do

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know—and so does every foreigner here, and so does every person who knows anything about the matter—that these feelings would have been excited; but they would have been unattended with any important consequence; they might even have exercised a favorable influence, *had my place been instantly refilled;* for then my recall would have amounted only to a manifestation of the displeasure of my government at the spirit of conciliation evinced by me—or at my want of judgment, or whatever else it may be called—and to a proof of the inflexibility of that government, in exacting a literal compliance with whatever it might demand of this country.

The blow then received by the cause of peace has, within a few days, been followed by another, scarcely less severe, from Mr. Clay's Cincinnati speech and resolutions. All remark would be superfluous upon the tendency of these to shake even the firmest and most resolute friends of peace, in the conviction to which their minds had been brought respecting the absolute indispensableness of the sacrifice of territory involved in the acceptance of my offer. This conviction had become perfect, and I entertained no apprehension whatever of its undergoing any change, except by becoming every hour more and more deep and settled. But now, there are manifest indications of its having been shaken; and even if it should recover from this shock, and become as firm as ever—a supposition which defies all probabilities—there would still remain the solid ground, thus furnished by that eminent citizen of our country, for bringing against any treaty which may be presented for ratification, the objection that the sacrifice which it makes is *totally unnecessary*. And should the treaty which I have offered to make be carried through, all those who may have taken part in it will forever remain exposed to the charge of having, without any necessity whatever for parting with any portion of their territory, however small, surrendered *one half of their country;* a charge which, however unfounded it might in reality be, could never be refuted, could never be otherwise than highly plausible, in the presence of such a declaration of views from a statesman of Mr. Clay's wide celebrity and immense influence.

This is the position into which the peace party now finds itself thrown, by a shock proceeding from our country, at the very moment when the object for which they formed themselves and for which they have been toiling, without remission, ever since the dissolution of the government in September last, was about to be consummated. Their sincerity and their steadiness of purpose thus far have placed themselves above question; and the impression upon every mind acquainted with the facts which have been occurring, within the last few weeks particularly, has constantly strengthened, *that peace was at hand;* that, within a very short period after the assembling of the new Congress, early in January, the treaty would be ratified. What are to be the consequences of this fresh blow to the cause, is more than any human being can pretend to tell. Some deem it fatal; others are still sanguine. For myself, I have had some moments of despondence, but they have been transient: I still see good reason to hope on still.

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any rate, the suspense will not be long: ten or twelve days more, and the question is at an end.

The enclosed "Razonador" will be seen to contain also the projét of a law presented by Señor Perdigon Garay, a distinguished member of the *puro* party, and the mover of the articles of impeachment against General Mora y Villamil, charging him with treason, which constituted one of the numberless manœuvres for breaking down the peace party. The *declared* object of the proposed law is, "to establish *during the war*, and for the purpose of *repelling the invader*," a certain body of troops, to consist of one man for every two hundred souls, and to be denominated "militia of the confederated States." By any one acquainted with the state of things here, its *real* object is seen, at a glance, to be the highly laudable one of taking advantage of this pretext for embodying and disciplining a body of citizen soldiers, as a security against their own enormously overgrown army of generals, who, so long as the country shall remain at the mercy of their *pronunciamentos*, constitute a fatality, under which every element of good that it contains must continue to be smothered.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. James Buchanan,
Secretary of State.

P. S.—It is scarcely necessary to say, that the "communication from Mr. Trist," referred to by Señor Adame, (and which he states that the Executive declined to lay before the meeting of governors,) was my note to the Minister of Relations, under date October 20, transmitting my reply to the last communication from the Mexican commissioners.

[No. 24.] Head-quarters of the U. S. Army,
Mexico, December 26, 1847.

Sir: In the enclosed numbers of the "Monitor Republicano" (a staunch and steady advocate of peace, it is to be borne in mind) of the 23d and 24th instant, will be found an "exposition" from the deputies of the *puro* party, which constitutes the last stand made by them—in the character, I mean, of members of the expiring "sovereign constituent Congress"—against the consummation of the measure upon which the government is known to them, and to every one, and to be intent. Besides the interest attaching to it in this point of view, it is richly deserving attention from all who may be desirous of understanding the real state of this country, with reference to the question of peace: the real state of *the country*, of its *heart* and *core*, as contradistinguished from the merely superficial appearances presented by the tricks of personal factions, or even by the mere manœuvres and stratagems of parties. For, as I have already had occasion to explain in former despatches, the diversity of sentiment upon which the question of peace now

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turns, divides those between whom its decision rests into *parties*, into *national* parties, in the highest and best sense of the term; the consideration by which they are both governed being the good of their country. The one desires *immediate* peace, believing it to be indispensable to the preservation of their nationality. Indeed, they desired it long before matters came to this pass; but now they desire it for this additional and paramount reason. Believing the necessity for peace to be thus peremptory, and convinced that an acquiescence in our demand is the only way to obtain peace, they are ready for the sacrifice, heart-rending as it is to them. The opposite party are no less sensible of the value of peace, and no less decided in their wish for it. But, believing that its restoration under existing circumstances would be fatal to their hopes for the political regeneration of their country, they are immovably fixed in their determination to prevent it if they possibly can, at whatever risk, at whatever cost, and by whatever means. So far as depends upon any efforts which they can make, the war is never to end until it shall have been made conducive to this great object: an object which many of them had in view long before the war commenced; and which, even at that period, directed their course with reference to the causes which gave rise to it. To this policy more than one convert has, I *know*, been made within the last month or two. Indeed, it is rapidly gaining ground from day to day.

From this party proceeds the state paper here referred to. It would be a great error to confound it with the declamatory trash proceeding from Santa Anna, and the like, who, having never any other object in view than the attainment of their own base personal ends, have ever been ready to profess eternal devotion to one set of principles to-day, and to swear perpetual allegiance to the opposite cause on the morrow. This is different stuff, quite. There may be exaggeration in the inflexibility which they ascribe to their own purpose; and there may be—there doubtless are—great diversities of character in the signers, with regard to honesty and purity, as well as to steadfastness of purpose. But, be this as it may, it is no sham, it is a *real* purpose; the purpose, not of a chameleon faction, but of a national party: a purpose, not of mushroom growth, but the matured product of the studies and experience, the convictions and sentiments, pursued and hoarded up and cherished during long lives. It is a genuine part of the genuine and deep-seated patriotism of this unhappy land—a land, some of the sons of which, at least, are worthy of a better lot.

It will be observed, that they stop short of saying upon what terms and conditions they would make peace, except so far as the suggested withdrawal of our troops (which they know to be an impossibility) may be viewed as a condition. They confine themselves to a statement of what they are *opposed* to, of what they will *not* do, of what they will never consent to. They will not consent to the *extinction* of their nationality—they do not say to its *amalgamation*. They will not consent to the *dismemberment* of their country, nor to its *conquest*—they do not say to its *incorporation*

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They will not consent to either, *because* either involves the *subjugation* of their race, placing it on the same footing as the barbarous tribes who have melted away before us, and leads directly and inevitably to its *extinction*. All this is perfectly compatible with a strong desire for incorporation with us; or, if this be impracticable, for a close political connexion.

Upon this topic, I will refer, as also highly meriting attention as an indication of what is thought and felt in this country, to the views presented in a communication from a very able hand, under date *Gaudalajura, October* 15, republished in the "Monitor Republicano" of the 8th and 9th of November; to which I called attention at the time of transmitting those papers, marking the article and many of its passages. Under cover of an exceedingly bitter invective against what we *have* done, a view is taken, with great boldness and force, of what we *might* have done, and may yet do, to insure the happiness and win the heart forever, not of Mexico alone, but of the whole of Spanish America. That view, with variations as to matters of detail, is the ultimate view of the "puro party, or *progress* party," as they call themselves in the enclosed "exposition;" which manifesto, as will be perceived, closes with the following reference to their own character, objects and conduct as a party, *previously to this contest:*

"Wherefore, although profoundly affected by the effusion of blood, and the other calamities which attend the struggles of nations, we solemnly proclaim the continuance of the war, because it is the only mode left to us for upholding a just cause, and maintaining the incontestible rights of our country. *Apart from this, fully aware of the incalculable advantages which are secured to mankind by the political and economical principles proclaimed by the wise, we have been constant in defending democratic liberty and the holy cause of civilization, as the means of giving prosperity to our republic, and of exciting in her favor the sympathies of the world. But, calumniated and persecuted by those very men who now proclaim the impotence of our country, after having rejected the means of making her strong, our labors have been to no purpose; and now, we all find ourselves borne down under the sad consequences of the wretched politics of those who have chosen to force us to live in the sixteenth century, whilst surrounded by people who live the life of the nineteenth.*

"*We love our fellow-men, and we have wished to attract them to our native land, that they might here, under the influence of a humanising and generous legislation,*" (referring, of course, to the legislation which they have wished and striven to secure for their country,) "*participate of the wealth we have inherited from our fathers.* But we cannot consent to the endeavor to humble our country, to dismember her territory, in order that she may soon be blotted out from the catalogue of nations. Still less can we consent to the extermination of our race; and, as the preparation for this, to its being covered with opprobrium and ignominy."

This, I repeat, is not to be confounded with the soulless verbiage under which Santa Anna, and characters of his stamp, seek to cover

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up the sordid purposes of which alone they are capable. It comes from human hearts. It wells up from the bosoms of men who have told me that, when this war shall cease, whatever territorial arrangements may then be made, they want *no money* from us, *because* it would serve only to corrupt their politics still further, and render their purification yet more desperate.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

[No. 25.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, December 29, 1847.

SIR: A short time ago, in my despatch of the 20th instant, I had occasion to mention the unfavorable influence which Mr. Clay's Cincinnati speech and resolutions were exercising here upon the cause of peace. Since then the President's message, brought to this city on the 25th instant, by a special courier from Vera Cruz, has been operating in the same direction, by affording encouragement to the puro party to redouble the desperate efforts they are now making to prevent the impending treaty, which, just three days ago, I heard that some of the party considered inevitable. The arrival of the message at this critical instant may be attended with consequences similar to those produced by the appearance of Bulow and Blucher on the field of Waterloo.

I refer to that part of the message in which the following sentences occur: "*In such event*, it may become proper for our commanding generals in the field to give encouragement and assurances of protection to the friends of peace in Mexico, in the establishment and maintenance of a free republican government of their own choice, able and willing to conclude a peace which would be just to them and secure to us the indemity we demand. This may become the *only mode of obtaining such a peace*. Should such be the result, the war which Mexico has forced upon us would thus be converted into an enduring blessing to herself. After finding her torn and distracted by factions, and ruled by military usurpers, we should then leave her with a republican government, in the enjoyment of real independence and domestic peace and prosperity, performing all her relative duties in the great family of nations, and promoting her own happiness by wise laws and their faithful execution."

The "event" here referred to as the one in which this "encouragement and assurances of protection" are to be given by us is, the *failure* of "the continued successes of our arms *to secure a satisfactory peace.*" Now, as I have explained in several of my despatches, this *failure* is the very thing which the puros have been all along, and now are, striving for; and this, not because they are unfriendly to peace, but because they believe that, to prevent it, is the sure way, and the only way, to obtain for their country that

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very encouragement and protection the prospect of which is here held out by the President. Their first choice (that of a considerable portion of them at least) would be annexation; but, failing in this, they would most joyfully accept what is here proferred; and, to this extent, thousands would go with them, who are not in favor of annexation, or who are even resolutely opposed to it.

It is exceedingly unfortunate, therefore, that this promise of what they have for years been toiling to bring about, and have recently succeeded in making the object of desire to many who have heretofore had no political sympathies with them, should *be made dependent upon the protraction of the war.* Thus far the success of their policy could not but be more or less problematical, even to those by whom it was first conceived, and who were indissolubly wedded to it, come weal or come wo; while to less ardent or less resolute minds the consideration always presented itself that, although such a state of things might result from protracting the war, yet, on the other hand, the result might be the subjugation of the country, and the enslavement and extinction of their race. From their tendency to give force to this consideration, and thus to discourage the puros and counteract their proselytism, I have not been sorry, however deeply humiliating it was to my pride of country, to have repeated to me by foreigners of unquestionable veracity, to whom they had been uttered, such remarks as the following, from the lips of one of our officers high in rank, recently arrived here: "*This* army has not come to conquer *a peace;* it has come to conquer *the country;*" "we will make them *dine* and *sup* on the *horrors of war.*" And when told, "but at least your government should declare the policy it means to pursue, and let the country know what it is to expect, and what we are to adapt ourselves to," he replied, "O! time enough for that *two or three years hence.*"

Whatever the feelings excited in me by such things as these, they had their compensation in the effect they were evidently calculated to have in damping the ardor of the puros, and checking their propagandism. But now, the justness of the policy of this party, in protracting the war, has the seal of absolute certainty stamped upon it.

Fortunately, however, the time left for this to work its inevitable effect is but short. For, according to every probability, a treaty will be signed in the course of a week from this time, and it will obtain ratification very soon after the new Congress shall have formed a quorum; and the indications that this will take place early in January are becoming more and more favorable every day, notwithstanding the inability of the government to command even the small sum required to provide for the travelling expenses of the members, by paying their mileage. A few days ago the puros boldly pronounced a quorum to be impossible; but their confidence on this point has manifestly been falling, from hour to hour. The secret in regard to the treaty has been admirably kept, the persons who actually *know* anything about the matter being exceedingly few in number. All that the puros possess respecting it consists of their own surmises and convictions, founded on their knowledge of the

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general determination of the government, united with mere superficial indications that *something* is going on.

But for its having been made dependent upon the continuance of the war, I should have rejoiced exceedingly at seeing this promise of protection, in the establishment and maintenance of a legitimate government, held out to the people of this country. Besides the matter bearing upon this point contained in my previous despatches, I said, in that of the 6th instant: "There is, however, a question totally distinct from the above, which presents a strong claim upon the immediate attention of our country; a claim founded on considerations of humanity towards this people, as well as on its bearings upon ourselves. It is, whether the very peculiar, the altogether exceptionable nature of the case, as caused by the intimate geographical relation in which this country stands towards ours, would not warrant such a departure from our established principles in this regard, as would be involved in a compact that should secure to Mexico the assistance which she needs, and which is all that she needs, for the establishment of a good and stable government. The elements for such a government (although, under the pressure of circumstances, they have lain dormant and inactive,) are by no means entirely wanting in this country, as would seem to be the case, judging merely from the facts exhibited to the eyes of the world by her past history. *Protection* for a few years, perhaps for a shorter time, *from her own enormously overgrown military class*, is all that she needs to bring about a state of things strongly contrasting with that which has heretofore existed here. *Upon the solution of this question* depends her chance for presenting such a contrast; a thing which is indispensable not only to her own happiness, but to *the possibility of her being a good neighbor, to the possibility of her preventing the recurrence of such misconduct on the part of the government and local authorities as will render peace between us always precarious in the extreme.* The offer of such aid would, I am sure, be accepted with delight and deep gratitude."

Of the correctness of this view of the subject, my mind is thoroughly convinced. I consider it certain, also, that such a course on our part—demanded, as it is, by our own interests, whilst it is recommended likewise by considerations of humanity towards the fellow-men whose lot has been cast nigh unto us—so far from presenting itself in an invidious light to other governments, would be viewed by them in a manner corresponding with the joy which it would diffuse among all foreigners established in this country; indeed, among all foreigners, wherever residing, who have a motive of any kind for taking an interest in her quiet and prosperity.

Nor could a juncture be more favorable than the present for affording such protection. For, it is to be remarked, that there is, at this moment, no room for doing anything towards *establishing* a government. Nothing is necessary but to *maintain* what is already established; to *protect* it against military violence and usurpation. The constitution of 1824, with important amendments, (as

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will be seen from the copy which I transmitted some time since,) has just been restored, by a perfectly legitimate process, and is now the supreme law of the land, recognized by all parties. In a few days the Congress elected under that constitution are to meet; and, on the 8th of January, the President (General Herrera) is to be sworn into office.

One obvious mode of proceeding for this purpose is, to render all practicable facilities towards giving strength and efficiency to the national guard, and to place these citizen soldiers in possession of the strongholds, as they shall be evacuated by our forces. With respect to other forms in which protection might be afforded, I have requested suggestions from good men of both parties; and I have suggested to them the great advantage which would result to their country from the establishment of good understanding and concert of action between them, with reference to what I know to be a common object: her protection against military usurpation and anarchy. This suggestion has been received in a manner which induces me to believe that, to insure such concert in regard to many points of primary importance, and especially in regard to the great fundamental reform which is the most indispensable of all—the doing away of the *fueros;* that is to say, having but one and the same *law*, and one and the same *tribunals*, for all citizens alike—nothing is necessary, but that our country should be represented here by a person calculated so to exercise her influence as to promote an object at once so honorable to her and so important to the peace and welfare of both nations. I need not say that his presence at the earliest possible moment would be extremely desirable. And, lest it should be imagined that my conviction on this point may be owing to a desire to occupy the post myself, I will add, that my answers to those who have expressed a wish for my return has been, that this is an *absolute impossibility*, for more reasons than one: among which reasons would be, that my appointment would not for a moment be thought of, whatever exertions I might make to obtain it. Another, which I did not deem it worth while to state, would be, that even if the case were totally reversed as to the point just mentioned, there *can* be no change in the determination which governed me in asking leave to withdraw, as I did in my despatch of the 31st of October, transmitted weeks before I had any intimation or idea of the President's intention to discontinue this mission, or to recall me. That determination was formed some time before I so acted upon it; and it is at this moment firmer, if possible, than it was then. Had I once reached home, the only thing which could have made me deviate from it, so far even as to return here for a very limited time, would have been the belief that I might be instrumental in restoring peace. Should my present efforts prove successful, this inducement will happily be at an end. Should they prove otherwise, the state of the case will have become so greatly altered as to preclude the belief which would then have actuated me. My conviction in regard to the great importance of our having a representative here as soon as possible, (sup-

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posing peace to be re-established,) is, therefore, entirely uninfluenced by the desire to which I have adverted.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

[No. 26.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, January 12, 1848.

SIR: In my last despatch, under date the 29th ultimo, (which, after being delivered for transmission by an express from head-quarters, carrying orders to Vera Cruz and intermediate posts, was withdrawn by me through apprehension of the insecurity of the conveyance, and which consequently will go by the same opportunity as this,) I stated that "according to every probability a treaty will be signed in the course of a week from this time." This probability has not yet been fulfilled; but the causes to which my disappointment is owing are not by any means of a nature to weaken my confidence as to the result. To-morrow, I am to have a meeting with the Mexican commissioners, at which every thing will, I believe, be agreed upon between us; and allowing a day for making out the papers to be transmitted to Queretaro, and five or six for the return of the courier from the time of his departure hence, the signing of the treaty will probably take place towards the close of next week.

The boundary (which has been agreed upon, subject to the approval of the Executive at Queretaro) will be the one defined in the projét which I brought out, with a slight variation at its western extremity. The reasons which have governed me in this, as well as in not insisting (as I had at first determined to do) upon the parallel of 32° from the Rio Bravo, will be fully explained hereafter, time not permitting me to do so now.

Under these circumstances, government will judge of the expediency of despatching provisional instructions to the commanders of our forces. The position in which the general-in-chief is placed by the communications received by him, is any thing but favorable to the establishment of peace. Agreeably to the projét brought out by me, "a suspension of hostilities" could take place only after the *ratification* of the treaty by the Mexican government. So that after a treaty of peace should actually have been signed—signed here on the very battle-field, and not by negotiators two or three thousand miles off—human blood, "the precious blood of our fellow-citizens," as it is, if I recollect right, called in the President's message, *must have continued to flow*, or General Scott must have *taken* the responsibility of suspending hostilities *before* the ratification of the treaty; of suspending them *de facto*, on our side only, thus placing our troops at serious disadvantage, or of entering into a compact with the enemy, (if it be not a contradiction in terms to use this word after a treaty of *peace* has been actually signed,)

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making the suspension mutual. In this position was the commander of our forces placed. There was no retreat for him from this alternative. Even if it had required but a day to obtain the ratification of the treaty; or, if the Mexican Congress had not been in session, and it was positively certain that they would meet in a week, or a fortnight, or a month, and that they would then ratify; under these circumstances, or under any *possible* circumstances, *bloodshed must go on* for that day, or that week, or that fortnight, or that month, or General Scott must take upon himself to disregard his orders to push the war vigorously, and to disregard also the order conveyed in the projét, that this vigorous prosecution of the war was *not* to be *suspended* until the treaty should be actually *ratified*.

Whether our country and the whole civilized world would or would not have burst forth with one universal cry of horror at such a spectacle as a compliance with those orders would have afforded, and whether one universal sentence would or would not have been pronounced upon it as a wanton sporting with the lives of men, I will leave to others to decide.

Such is the position in which the general-in-chief was placed then, and the same is his position now—with this aggravation: that he knows my remaining here to be in violation of instructions; and he has himself received fresh instructions, acquainting him with the will of the President that the war be pushed, not only with renewed vigor, but with rigor. Any propositions for peace which may be made by the Mexican government are to be *transmitted by him to Washington*. But meanwhile, no matter what the nature of those propositions may be; no matter what his convictions and the convictions of every one here may be, no discretion whatever is given him as to the influence they shall exercise upon his course. The law laid down to him as the only rule for his government is, *to push the war vigorously and rigorously*. And this law he must abide by and fulfil to the utmost, or he must *disobey orders*.

Even if the suspension of hostilities *after* a treaty of peace shall be signed, *until* the will of our government can be made known, were made the condition upon which a treaty would be signed, even in this case he must say no! and go on shedding blood, "the precious blood of our fellow citizens," or he must disobey orders.

This case has, to a certain extent, actually happened. The Mexican commissioners endeavored at the outset, and, as a preliminary condition to their entering upon the negotiation, to obtain a promise that such suspension of hostilities should take place *upon the signing of the treaty;* and, independently of the general and obvious reasons supplied by the common sentiment of humanity against war going on after a treaty of peace has been signed in the very midst of the forces engaged in it, they gave special reasons, reasons of policy connected with the position of the government, as being the government of the peace party, for wishing that this government may not be placed in the alternative of resisting the further advance of our troops, or affording grounds for the changes which a contrary course would justify, even to the extent of that of

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treasonable connivance. But all I could say in reply was, "General Scott is totally without discretion on the subject. His instructions are, to push the war with all possible vigor, and to occupy the country as speedily as his means permit. He cannot enter into any agreement of the sort—not even if we sign the treaty—without disobeying orders. But let us get it ready for signature, and then I will lay it before him, stating that its being signed depends upon his engaging to suspend further movements until he can receive instructions from Washington."

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

[No. 27.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, January 25, 1848.

SIR: The treaty agreed upon between myself and the Mexican plenipotentiaries will, according to every probability, be signed immediately upon the return of an express which has just been despatched to Queretaro. Every arrangement has been made here, and upon the road between this and Vera Cruz; and a confidential order has gone forward to General Twiggs, at that place, for its instant departure hence, and to insure its rapid transmission to and from Vera Cruz. Although closely engaged in the preparation of the copies (quintuplicate) for signature, I shall find some intervals of time for writing this by snatches.

The Mexican commissioners hold their full powers, bearing date on the 30th of December, 1837, from the President *ad interim*, of the republic, (General Anaya,) constitutionally elected to that office in November, by the "sovereign constituent congress," after a severe and dubious struggle in that body between the peace and the war parties, the character and objects of which have been explained in my despatches; although these afford but a faint idea of the difficulties with which the former have had to struggle, and of the arduousness of the efforts in which they have been engaged ever since the total dissolution of the government, which followed the capture of this capital; at which juncture, as was explained by me at the time, they seized the first opportunity that had offered, since a period antecedent to the war, for forming themselves into a party that, until then, had had no existence; not for want of elements, but from the causes which prevented those elements from coalescing, or exercising any influence over the posture of public affairs. These causes, also, I have explained.

The full powers were countersigned by Señor de la Peña y Peña, as minister of relations under General Anaya, whom he had preceded in the chief executive office as *provisional* president. Both of these modifications of the presidency are recognized in the constitution; and the peace party, or moderados, have, in all their proceedings thus far, (henceforward no motive can exist for their

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acting otherwise, for they are in complete possession of the government,) strictly conformed to the fundamental law. The only flaw which can be detected in those proceedings, is one which it was impossible to avoid, and in which the spirit of the constitution was adhered to entirely, as its letter was, as closely as the nature of things rendered possible. It consists merely in this: By the constitution, the office of president of the republic devolves, under certain contingencies, *provisionally* upon the president of the supreme court. Now, these contingencies had all occurred; but there was no president of the supreme court in existence. Señor Peña was the eldest justice of that bench, but no election had taken place to supply the vacancy occasioned by the death of the last person who had been constitutionally elected as its president. This could be done by congress alone, and congress was not in session. There was a certainty, too, that the only possibility of getting congress together depended upon the previous formation of an executive. It was under these circumstances, when the republic was without a government of any sort, that the ablest and best men of the moderado party, with a view to rescue their country from the anarchy which had begun, and then to make peace, prevailed upon Señor Peña to assume the *provisional* presidency; after which, they succeeded in obtaining his recognition by the state authorities, as they have ever since, in upholding and defending the government so established against the endless stratagems and incessant assaults of those who were intent upon its destruction—the immediate object of these machinations (except on the part of the merely *personal* factions) being to render peace impossible, through the non-existence of a government with which it could be made; and their ultimate object being to force our country into an amalgamation with this.

When congress met, (which was brought about by the exertions of the *moderados* against those of the *puros*, or war-until-annexation party,) that body proceeded, conformably with the constitution, to elect a president *ad interim*, to serve until the 8th of January of the present year, the day previously fixed for the inauguration of the new president, who should be regularly placed in office by the elections then going on, or soon to take place. This election *ad interim*, after the doubtful contest above referred to—in which the puros, by straining every nerve, and making all sorts of combinations with the Santanistas, and other personal factions, were very near succeeding in prostrating the peace party, by electing a man who would have played the war-perpetuation game—resulted in the election of General Anaya, who immediately appointed his predecessor in the presidential office as the minister of relations, and appointed General Mora y Villamil ("the avowed apostle of peace") as secretary of war; in a word, pursued the peace policy commenced by those by whom the government had been built up.

This brief summary of what is contained on the subject in my previous despatches, shows the character of the government from which are derived the full powers of the plenipotentiaries with whom the treaty has been negotiated, and will have been concluded. Its authority is perfectly and absolutely *constitutional* in all res-

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pects: free even from the slight flaw above mentioned, as existing in that exercised by Señor Peña. And not only is it constitutional; it is furthermore strictly *national*. The political principles and views entertained by the *moderados* (that is, by the party to whose efforts the existence of this government, or of any general government in this country at the present time, is due) do, most unquestionably, constitute the real, genuine political sentiment of this country; that is to say, of a vast majority of those who ever take any part whatever, or any interest whatever, in public affairs; or who ever bestow a thought upon them, or are capable of so doing. This sentiment consists in an honest and firm attachment to republican principles; and, independently of that attachment, in a steady conviction that the republican form of government is not only desirable in itself, but that even if it were not so, still it is the only one practicable here. Another of its elements is a strong and decided aversion to monarchy, both in itself and on account of its impracticability, even if it were desirable. *A third is a perfect devotion to their distinct nationality, and a most vehement aversion to its becoming merged in or blended with ours, no matter what the terms of their incorporation with us might be.* I have no doubt that this sentiment would be reversed, upon experience of the results with which such a change would be attended, *if it took place peaceably*. But, for the present, it is decided and overpowering.

As for the *puros*, although they number among them some men of philosophic temper, enlarged views, and genuine patriotism, the party consists chiefly of persons of a different stamp, in all respects: persons who have everything to gain and nothing to lose by political change and commotion; and who, whenever they have enjoyed the opportunity, have given very substantial proofs that they are actuated by motives quite the reverse of a devotion to the public weal.

Besides these, the portion of the inhabitants to whom our permanence here would be agreeable, whether under the name of conquest, or occupation, or annexation, are *foreigners;* persons who, with very few exceptions, have no sympathies of any kind with the *the country*, (that is to say, with those who love it as their native land, as the birth place and the country, by every rightful title of their mothers and fathers, of their children and grandchildren,) or with anything whatever—*here*, at least—save their own individual gains and pecuniary interests. To this class belong some "American citizens," so called, native and naturalized, who, having proved their love for the land of their birth or adoption, and their devotion to liberty, by abandoning her and the security which she affords, to come and establish themselves in a land of anarchy and military despotism—in a word, a land where all the evils are rife which can possibly arise from misrule, in every shape that unbounded political profligacy can give to it—deem it nothing but fair that the country thus abandoned by them should, at the expense of those of her children who are content to live at home, insure their foreign gains, and secure to their persons and their property an exemption from the natural, the inevitable, and—to those who elect to live in such a country, above all, when born or admitted to the right

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of living in one like ours—the *proper* consequences of dwelling in such an abode. These persons—who, a few months ago, were exceedingly shocked at the imbecility evinced by the armistice, and highly indignant at the sacrifice of their country's glory involved in that measure—are now still more ardent advocates of the premature occupation of the whole Mexican republic, than they then were of the instant occupation of its capital. A few hundred millions of taxes upon their beloved countrymen at home, and a few decades of their lives sacrificed in the prosecution of the war, would, in the estimation of these patriots, be a very cheap mode of purchasing for them the pecuniary advantages with which such a proceeding would be attended, and the comfort of living under "the star-spangled banner," in the land of the Montezumas.

Exercising the right of opinion, which belongs to every American citizen upon questions concerning the welfare and the character of our country, and involving the prevalence of right over wrong, so far as the struggle constantly going on between them can be influenced by her, I became years ago deeply impressed with the necessity that she should clearly and distinctly define her position in regard to this class of persons, and this whole subject. I have made some endeavors to bring this about, and I shall make more. Her character loudly calls for it; her character for simple, naked *justice*, and nothing beyond it, towards those who are weaker than herself. This is certain. It is a plain truth; and it is one *not hid under a bushel*. It is known to, and widely talked of by, hundreds, doubtless thousands, of perfectly disinterested and impartial foreigners, who have witnessed the cases in which this necessity has proved itself: men no less impartial than were the New England shipmasters, who—chancing to be at Nootka, towards the close of the last century, when the events occurred out of which the adventurer, Meares (a British half-pay officer, and engaged in smuggling voyages, in the pay of Portuguese capitalists) concocted his story of wrongs, and losses, and damages afterwards—bore testimony to the truth which they knew, and to the falsehood of his tale; although that falsehood did not prevent it from enriching its inventor with a huge international robbery, under the name of "indemnity," exacted for losses which he had never sustained, after it had proved the occasion of wasting, in preparations for war, three millions sterling of the honest fruits of the industry of Meares' fellow subjects, who had been content to live at home toiling for their bread; and after it had brought England and Spain to the verge of a conflict that would have deluged Europe and America with blood, beggared and orphaned thousands of innocent families, and introduced corruption and debasement into tens of thousands of hearts that might otherwise have remained honest and pure.

As an American citizen, one who loves his country, loves her fair fame, loves the justice which he knows to be at her heart, I have long known and felt what is known to the world: that it is high time that her attention should be given to this subject; high time that all the rules and safe-guards which its nature demands should be established for herself, and by herself. Not by adopting

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the vague practice of the irresponsible rulers of other countries, but in the same way that she has established a government for herself, by appealing to the principles which she cherishes, and which alone she recognizes as possessing authority over her, or over the relations between her and her citizens.

Among the questions involved in this deeply important topic, which it behooves her so to decide for herself, the first is, to what extent, even supposing no practical difficulties to be in the way, she can, compatibly with her principles, compatibly with the rule of right which she would insist upon the observance of towards herself by any nation, however great and imposing its power might be, and compatibly with justice to those of her citizens who are satisfied with the advantages secured to them at home—how far she can, consistently with all these obligations, undertake to follow into whatever foreign country he shall see fit to settle in, every adventurer who may chance to have been born within her limits, or who may have obtained the character of an American citizen; and there to supervise the administration of the law, scrutinize into the legality and the equity of the decisions of the tribunals, and require of the authorities generally, in all proceedings where such individuals are concerned, a conformity with the standard by which justice would have been meted out them in our country, had it not been their choice to live in another. And, this first point having been settled, the next thing to be considered by our country would be the practical difficulties attendant upon such a supervision and inseparable from it, however limited may be the extent to which it is carried; of which difficulties the greatest and most fearful is, the danger of injustice towards nations weaker than herself, through imposture practised upon her; imposture which has for its object to make her power, and the dread in which it is held, subservient to schemes of extortion more base and flagitious in themselves, and in their consequences more injurious to the great principles which hold society together, than aught that ever was perpetrated by banditti prowling upon the highway against helpless travellers falling into their power.

For forming a proper estimate of this danger, our country has abundant materials at home. In no land are the laws more humane, in none is the administration of the law more impartial. Corruption has never there approached the judgment seat. And yet there is not a day in the year, when her courts are open, that decisions are not rendered which not only disappoint the expectations of learned lawyers, but shock the popular sentiment of justice, and are considered by the whole neighborhood where they excite interest and awaken sympathy as inflicting grievous wrong. Nor is this confined to private controversies—to decisions upon questions between man and man. It extends to the penal branch likewise; to questions between the government and those who fall under the penalties of the law. Under one single chapter of our code of laws of the federal government, instances enough of this could be collected in any period of two or three years. I refer to the revenue laws. For cases under this head, in which—particu-

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larly if considered merely in themselves, apart from the absolute necessity of general rules, and from the inevitable imperfection of all human institutions—the consequences to the offender would strike the public mind as rigorous and severe to a degree altogether incommensurate with the offence committed, it would not be necessary to go farther that the archives of the Department of State, or to look into more than a few bundles of the applications for pardons and remissions. This is *American* law, enforced upon American citizens *at home*, by tribunals whose bias is ever in favor of the accused, whose judges are never so much as suspected of corruption, and whose system of precedure is perfection itself, compared with that of many other nations. And yet, with all these advantages, such cases do happen; cases which no one can read, and then doubt that if we had been a feeble nation, and if the parties had been foreigners, those identical cases would have been made the ground of as many grievous tales of persecution and ruin without cause; particularly if those foreigners could have hoped, by such means, to become enriched by indemnities exacted from our government, and paid by the sweat of the brows of our countrymen.

Commerce must, I know, be protected, and this protection must be extended over it on the land as well as on the ocean. But there is no incompatibility between the efficient protection of commerce, honestly carried on, and the existence of safeguards which shall, to a great extent, if not entirely, protect our country from impostures alike fatal to her character for honesty and justice among the nations, and dangerous to her peace. Nor does the protection of commerce, the protection of commerce in the true and honest sense of the phrase, require that persons going abroad to seek their fortunes, either as mechanics, or as doctors, or as dentists, or as clerks, or in no definite capacity whatever, and without being in any manner connected with American commerce or American capital, should be permitted to usurp the title of American merchants, merely because after settling in the foreign land of their choice, to pursue callings having no relation to commerce, they may have found it for their interest to engage in buying and selling, either as brokers or as traders, or in stock-jobbing, or in speculation in any of its numberless forms. Such persons may amass wealth, real or fictitious. They may come to be reputed as rich men, either truly or falsely. But let their gains be what they may in amount, and let them be ever so real and substantial, and ever so honest as to the means by which they were acquired, still they constitute no part of that capital, the protection of which properly comes under the idea of protecting commerce. Whatever be the measure of protection to which such gains may be equitably entitled at the expense of the nation, and at the risk of involving the nation in controversies and in wars, just or unjust, the question as to that measure of protection is a totally different question from the one which relates to *commerce;* that is to say, to the portion of the capital of the nation embarked in commercial pursuits, and

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to those of our fellow-citizens by means of whose agency it is so employed.

It is in the power of our country to make herself the special object of esteem, confidence, and love, throughout our whole hemisphere; the common centre of affection to all the people who inhabit it; their common standard for all that is good and great. For this, nothing is requisite but that she should, in her deportment towards them, be true to herself, true to what is really her character. But, to make this known, and to correct the erroneous impressions in regard to it which have substituted themselves for those which caused her to be looked up to by all the republics of Spanish America at the time when they first took their place among nations, the safeguards to which I have adverted are indispensable. If they be not established, the title of American citizen, instead of being as it ought to be, and can easily be made to be, once more a passport to confidence and favor everywhere on our continent, will become more and more every day a sound of evil omen to all ears, the universally recognized token for justifying distrust, dread, and aversion towards him who bears it. Instead of the desire to increase their intercourse with us, and to welcome our citizens wherever they may present themselves, the wish which will be deepest at the heart of all Spanish America will be the wish that all communication with us might be forever at an end, and that it might never more hear of an American citizen.

To return to the character of the parties in this country—I mean what can be considered as national parties, in contradistinction to mere personal factions—the only one of which it remains to speak is the *monarchists*. This also counts some good men; some who have the welfare of their country at heart. But the result of all my inquiries is, to satisfy me that the party is *altogether impotent*, and that it never can, by any possibility, acquire the ascendency here, or be otherwise than impotent, even to influence in any degree the destinies of this country, or the course of public affairs. It is, at this moment, busy in intrigues; but these intrigues excite no apprehension whatever that they can result in anything favorable to their object. They are incapable in themselves of producing even a transient effect upon the stability of the government, or to affect it in any manner. The *puros*, who are ever ripe for anything to compass their end, might, by their machinations on the same side, give a semblance of importance to the cry for a monarchy, should a *pronunciamento* of this complexion take place. If they should so act now, it would not be for the first time. They co-operated with Paredes—who, being truly and honestly (for he is an honest, though a very weak man) a monarchist, entertains views diametrically opposed to theirs—in overthrowing Herrera, who, but for his overthrow, would have prevented the war.

Having stated the character of the government from which the Mexican plenipotentiaries derived their authority to act, I will now add such facts as are requisite for estimating probabilities as to the future, and particularly with reference to the ratification.

Since the 8th of the present month, the *provisional* presidency

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has again devolved upon Señor Peña. That day being the one which had been fixed for the commencement of the new presidential term, and for the inauguration of the president who should be *regularly* chosen by the electoral colleges, the choice of congress of a president *ad interim*, which took place in November, as above stated, could be made only for the period which expired on that day. But when the day came, the new congress had not met; and hence the coming into effect again of the *provisional presidency*. This, agreeably to the constitution, will continue in force until the new congress shall have met. Immediately upon this having taken place, the votes for the presidency given by the electoral colleges will be counted; and if no one shall have received a majority of all the electoral votes, a president *ad interim* will be elected by the chamber of deputies, voting by States.

Under the present constitution, a full congress consists of 63 senators, (*two* from each State, and half as many more elected by the Senate, the supreme court, and the chamber of deputies, voting by States, the suffrage of each of these three bodies being requisite to the election of a senator of this class,) and 139 deputies. In the senate it requires 32 members to make a quorum; in the chamber, it requires 70 deputies.

Under the elections which have taken place, twelve votes (by as many States) have been given for president. Of these, General Herrera has received five; Señor Ocampo, three; Señor Trias, two; and Santa Anna, two; these two having been given by States when the puros (or war-until-annexation party—the men of all others most inimical to Santa Anna, and whom he most dreads) obtained the ascendency.

Nine votes for the presidency yet remain to be given. Of these, it is expected that General Herrera will receive five or six; and that the remainder will be divided amongst men of the same political complexion as himself; that is, of the moderado party. Should the number obtained by him be six, he will then be president. Otherwise, there will be no election; and congress must proceed to elect a president *ad interim*, to fill the post until, in pursuance of the decree issued by congress, the electoral colleges shall have again voted, and a majority of their votes shall have been received by some one individual. There is not the remotest posibility that Santa Anna, or any one except a moderado, should be elected to the presidency *ad interim*.

The political complexion of the new congress, thus far, is as follows: under the elections which have taken place, 22 senators and 65 deputies have been chosen; of whom 17 in the senate, and 55 in the chamber, are moderados. The elections are yet to be held in nine States, which send 18 senators and 69 deputies; of the latter of whom, fifty-six or seven are expected to be of the moderado party, and a corresponding proportion of the former.

It will be perceived that a sufficient number of senators are already elected to form a quorum for proceeding to the election of the special class of senators, and that the election of five more

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deputies will complete the number necessary for a quorum of their body.

The great, indeed the only serious obstacle to the prompt meeting of Congress, is the pecuniary destitution under which the government is laboring, and which is so great as absolutely to incapacitate it from supplying the members, as has always been customary, with the means to defray their travelling expenses. This obstacle will, however, I trust be removed in a few days.

I will now enter upon the subject of the treaty itself. The negotiation has been an exceedingly laborious one, and has occupied me without intermission for several weeks, during as many hours of every twenty-four as could possibly be given by me to work; and at no other period of my life, so strong has my health become, could I have undergone the same amount of labor.

Independently of the desirableness that the treaty should be a good one, the very peculiar posture of affairs in this country required that it should be such as to *protect itself* against the tempest of objections ready gathered to burst upon it, as the last resource for overwhelming and upturning the government, in order that the object may be accomplished of compelling our country into an amalgamation with this, by rendering peace impossible in any other way. In order that it might so protect itself, it was requisite not merely that the treaty should present the fewest possible features that could be objected to, but that it should, with reference to the fears, the suspicions, and even the prejudices of the Mexican people, carry upon its face as many positive recommendations as the nature of the subjects stipulated upon rendered practicable.

The plan upon which I proceeded, to arrive at such a result, was, in the first place to request the Mexican commissioners to take the projét of the United States as a basis, and to suggest such modifications as might seem to them desirable. The result of this request was an entire new draught from them; in which but very little of our projét was retained, and in which I found very little that could be acceded to, at least without material changes, either as to substance or as to form. It answered, however, as a basis for me to work upon, in preparing substitutes for the articles contained in their draught: governing myself by our projét, by my instructions, and, where these did not touch the subject, by the treaties which have been entered into by our country. Where these resources all failed, I had to rely upon such knowledge as I possess of her principles and policy, with respect to the various topics that presented themselves. My substitutes led to discussions, in which I had to explain why that which had been proposed by them was inadmissible, wherein consisted the difference between it and the proposed substitute, and why this presented the only way, and the only degree, in which the object could be obtained. In this manner, modifications and remodifications succeeded each other, with reference to every topic which the treaty contains; until finally its various stipulations were agreed upon, both as to substance and as to form. As this was done, the articles were written anew by me, translated by one of the commissioners, (Señor Cuevas, who reads

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English very well, although he does not speak it or understand it when spoken,) and then the phraseology changed in one or the other version, or in both, so that the idiom of both languages might be preserved, whilst at the same time the treaty should present in both a correspondence of expressions as well as a perfect identity of sense. In this I had to indulge the gentlemen on the other side, (whose language is more peremptory than ours in its requirements for a correct style,) by allowing them to put into what they considered idomatic Spanish the meaning of the articles draughted by me, varying the structure as far as they deemed necessary; and then myself writing the articles over again in English, so as to make them conform to the Spanish. As the result of this labor, the treaty, whilst it is both English and Spanish, and not on either side a mere literal translation from the other, will be found to exhibit a correspondence in the two languages, which is by no means common in those which have come under my examination.

Some things which were proposed and strongly insisted upon on the part of the Mexican government, were of a nature to admit of nothing but a positive refusal. Among these were the distinct proposals, that the treaty should be made under the guarantee of neutral powers, and that it should stipulate absolutely for the submission of all future differences to arbitration. The stipulation on the latter subject, as modified by me, will be found in article 21. In that shape, whilst it serves to strengthen the treaty in this country, it can do no harm, but may do good, as a formal recognition of the general expediency and duty of using every endeavor to settle differences otherwise than by a resort to the *ultima ratio*. Besides the two proposals just stated, the negotiation commenced with one to enter into a convention, which, leaving us in possession of the territory comprehended within our proposed boundary should submit the whole question between the two countries to arbitration.

The *boundary* is the one defined in the projét, with a slight variation at its western extremity: an explanation on which point will be found in the accompanying paper, marked A. The one marked B, relates to the parallel of 32° as a boundary. Upon entering on the negotiation, I had, in pursuance of the views presented in your despatch of the 19th July, determined to insist upon that parallel, from the Rio Bravo across to the Pacific, as a *sine qua non*. Although there told that it was not then intended that I should do so, I presumed that the dispositions entertained by the President at the present time required that I should do so now. But, in forming the determination to insist upon this line, I had not adverted to the fact that it constituted an insuperable obstacle to the negotiation of a treaty, no matter what its terms might be in other respects. This was the case, even if the difference between the territory which that line would give us, and that comprehended in the boundary of the projét, should be ever so inconsiderable. It mattered not whether it was ten miles or ten feet in width, the effect would be all the same: to render a treaty impracticable.

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The States of Sonora and Chihuahua, which adjoin New Mexico, had solemnly protested against the transfer of a single foot of their territory, and against the validity of any such transfer if made. This was, therefore, a *sine qua non* with the Mexican government, and one which it was absolutely impossible that it should depart from, even if it were ever so strongly disposed to do so, because it would have rendered the ratification of the treaty an impossible thing. Not only would the delegations of those States have opposed it, but it could not have obtained a single vote in its favor. If there be in this country one sentiment more universal and decided than any other, (and this with especial reference to our country, and the design imputed to her,) it is the one which denies the possibility of a valid transfer by the general government of any portion of the territory of one of the sovereign States. The argument on this subject is unanswerable. It is set forth with great clearness by the puros (or war-until-annexation party) in the manifesto referred to in my despatch of the 26th December, as constituting "the last stand made by them in the character of members of the expiring constituent Congress against the consummation of the measure (a treaty of peace) upon which the government is known to them, and to every one, to be intent." Nor does it avail to urge against this denial of authority in the general government *the supreme law of necessity*, for it is fortified at this point also. It says: If the Union, after having exhausted all its means in the defence of its members, finds itself incapable, in regard to any one or more, of protecting them; in such case, let the portion of the republic with respect to which the impossibility of defence exists be *abandoned* for the time. But this inability gives no right to the Union to *alienate* any portion of any State, whether it be for the purpose of purchasing peace for the rest, or any purpose whatever. No such alienation can be valid.

Thus insurmountable was the obstacle to the adoption of the parallel of 32° as the boundary. The only particular in respect to which it was practicable to overstep this limitation to the transfer of territory, is the small portion of the State of Tamaulipas, lying north of Rio Bravo, and running a short distance up that river; which strip of country (extending either to the Nueces, or as far as the San Antonio, I do not recollect which, and have not the references at hand) just as certainly constituted a part of that State, and not of Texas, at the time when the latter declared her independence, as it is certain that the counties of Accomac and Northampton do now constitute a part of the State of Virginia, and not of Maryland. Tamaulipas, however, has not made any protest on the subject; and it is believed that the boundary will be silently acquiesced in by her, and that, in view of the extreme peculiarity of the case under every aspect, this departure from the principle will not be made a point of by those in favor of peace.

The declaration with which the article on the boundary concludes was a *sine qua non* on the part of the Mexican government. I entertain no doubt whatever of its great importance in respect to the ratification of the treaty; and my mind is far from being satis-

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fied—such is the state of the public mind on this point—that the ratification would have been practicable without the aid which it gives. It was proposed that it should form an article apart, in terms that were inadmissible. In its present form and place, it is the result of repeated conversations, and was offered by myself; after which, several modifications of phraseology were proposed from the other side, a part of which were acceded to, and the rest not.

The *indemnity*, or amount to be paid by the United States, is five millions less than the sum I was authorized by my instructions to pay for the same boundary, and which a compliance with those instructions would have required me to agree to pay, if necessary to secure that boundary, had a treaty been made in September last; or, indeed, at any time prior to the receipt of the counter-instructions, which (the *triplicate* thereof) first came to hand on the 16th of November, as the department was advised at the time. Taking into consideration, on the one hand, the time when the offer of twenty millions for the same boundary was made by the United States, (not formally or upon paper, but by an intimation from me, which was just as binding,) and the period during which that offer had remained in force; and, on the other hand, the contents of the despatches received by me in November, and those of the President's message, as regards the increased expenditure of blood and treasure attending the prosecution of the war, in connexion with the continued disposition of our government not to exact more than a fair compensation for that expenditure; taking all these things into consideration, and taking also those twenty millions as the standard for my government in estimating the deduction which should be made from it, to bring the sum into accordance with those views, I have deemed it my duty to strike off five millions, and at the same time not to reduce the sum any lower. I made the offer of the fifteen millions at once, announcing that it was the highest point to which I could go. I was not at the time aware that the Mexican plenipotentiaries had had their hands tied against accepting anything less than thirty millions. This was the case, however, and it has continued to be the case down to this moment. The copies of the treaty for signature, now being made, must stop at the 12th article, until the government at Queretaro shall have consented to accept the fifteen millions, upon learning that I have remained inflexible upon that point, even at the risk of the treaty being lost, and shall have made its election as to the mode of payment.

With regard to the *discharge and assumption* of claims, explanations will be found in the accompanying paper, marked C.

The condition of the inhabitants of the ceded or transferred territory is the topic upon which most time has been expended, in the modes stated at the commencement of these remarks. It constituted a subject upon which it was all important that the treaty should be guarded at all points, and should recommend itself as strongly as possible. Everything proposed on the other side in regard to it was inadmissible or objectionable, in substance or

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form; and the articles as they now stand are the result of draughts prepared by himself, and were repeatedly amplified and otherwise altered, to meet the wishes of the Mexican commissioners. The stipulations regarding the incorporation of the inhabitants into our Union were restricted to the *Mexican* inhabitants, because, as the Mexican commissioners stated, their government has no right to enter into such stipulations in regard to the foreigners who may be residing in the transferred territory. The right of Mexicans residing there to continue there, retaining the character of Mexican citizens, would follow as a necessary consequence from the right secured to such citizens by the treaty of commerce, to *go* and reside there. On this point, and for the right secured to such citizens, resident or non-resident, to retain the landed property they may now own there, a precedent was afforded by our British treaty of 1794, (articles 2 and 9.) The liberty to "grant, sell, or devise the same to *whom they please*," I qualified by restricting the right of purchase to *Mexicans*. This stipulation is particularly important to landholders on the Rio Bravo, and especially so to the citizens of Tamaulipas, the estates of some of whom, situated south of the Bravo, are dependent in some respects for their value upon lands on the north of that river, which are used as pastures.

With respect to grants of land made by the Mexican authorities, the *proviso* contained in my instructions was strenuously objected to upon a point of national honor and decorum. No such grants had been made since the 13th May, 1846. This they knew, and consequently the proviso could have no practical effect. But it implied that they had been made, or might have been made, and that nevertheless the government committed the injustice of revoking them; which, in fact, it had authority to do. Moreover, it involved an acknowledgment that, from the day when hostilities broke out on the north of the Rio Bravo, the Mexican government had lost the right to make grants of land in any part of its territory subsequently occupied by us. Feeling the force of these objections, I requested to make sure of the fact stated by them; and also, in regard to no grants having been made in Texas since the revolution, which had been incidentally mentioned by one of them. And this having been done in a manner which left no shade of doubt on their minds, the declaration which will be found at the end of article 10 was agreed upon, in lieu of the *proviso*.

The stipulation respecting grantees who had been prevented from fulfilling the conditions of their grants, was taken from the Florida treaty; that precedent being modified to meet the necessity of distinguishing between lands in Texas and those situated elsewhere, and of respecting her authority over the subject. This did not permit the declaration that the grants within her limits shall be null and void, as she might have seen fit, or might see fit hereafter, to adopt a different determination. Nor did it permit the declaration that they shall not be obligatory upon her, (as I had at first written it,) except with the qualification, "in virtue of the stipulations contained in this article." On the other hand, the right of the United States to stipulate with Mexico in regard to

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grants of land in Texas seemed to me, beyond the possibility of question, to be involved in the transfer from Texas to the United States of the authority to make a treaty of peace between her and Mexico.

The stipulations respecting the Indians inhabiting the transferred territory, independently of their justice, were indispensable to make the treaty acceptable to the northern States, or to any who take the proper interest in their security; in a word, to any one who has the feelings of a Mexican citizen, or at least respect for the obligations which a federal union imposes. Excepting only the specific prohibition against supplying the Indians with fire-arms and ammunition, (if, indeed, this can justly be deemed an exception,) those stipulations contain nothing which is not expressed or plainly implied in the treaty of amity, commerce, and navigation, (article 31,) which is revived in the present treaty of peace. But, to make the article what it must be, to satisfy the public mind of this country, it was necessary that those implied obligations should be set forth in detail, and expressed in the most unequivocal manner. Upon examining the old treaty, I found that it imposes absolutely, and without any saving or qualification whatever as to the practicability of the thing, the obligation "to *restrain*," by force, "*all* hostilities and incursions," and "not to *suffer* their Indians to *attack*;" and also, in regard to captives made by Indians, "to return them to their country as soon as they know of their being within their respective territories." I found, also, that the last sentence is so worded as to restrict the prohibition against the purchase of captives, in a manner which could not possibly have been intended. In the new treaty the obligations above referred to are expressed with the qualifications demanded by the nature of the subject, in order that they may have the character of a practical law, agreed upon and established upon serious consideration of its requirements, and in the *bona fide* intention that these shall be fulfilled; an intention which stands exposed to serious doubt, when engagements entered into "in the most solemn manner" are found expressed in a manner so loose, that their exact fulfilment, as expressed, involves impossibilities.

The stipulations concerning merchandise imported into the country during our occupation of its ports required to be put into their present form, in order that they might not have the effect of placing such merchandise, with respect to its introduction into places not occupied by our troops, on a *better* footing than if imported in a time of peace; which, even if it could have been demanded consistently with justice, was, in a practical point of view, impossible, by reason of its incompatibility with the execution of the State and municipal laws regarding this subject. To discriminate in this regard between merchandise imported through ports occupied by us, and other merchandise, would have been practicably impossible, owing to the temptation and facilities it would have afforded to frauds, and the endless controversies, complaints, and claims to which it would have given rise. For the same reason, the right to reship was restricted to goods *in the ports*; other-

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wise it would have put it in the power of any one, under the pretext of going to a port of reshipment, to traverse the republic with goods, passing through whatever places he pleased, and dropping them on the way.

The last article is founded on one contained in our treaty with Prussia, of 1785, (which bears the signatures of Benjamin Franklin, Thomas Jefferson, and John Adams.) In the first draught presented by the Mexican commissioners, the article had been copied from the Prussian treaty. After making in it such modifications as seemed to me desirable, it was agreed upon in that shape.

The preamble, also, after a few modifications, was adopted from the draught of the Mexican commissioners.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

[Enclosure in No. 27.]

C.

Memorandum.—Saturday night, January 22, 1848.

ASSUMPTION OF CLAIMS.

The article on this subject, (article VI.,) as it stands in the original project from Washington, was objected to by the Mexican commissioners, (as respects the non-liquidated claims,) on the ground of the questions and discussion for which it affords room, in consequence of the *assumption* and the *discharge* being blended together, and the former being limited in point of *amount*, and otherwise qualified; thereby affording ground for the objection, when the treaty shall come under discussion, that, in the very nature of things, the discharge could not but be limited and qualified, in the same way. To my answer that the article closes with a complete discharge "from *all* liability for *any* of the said claims, whether the same shall be rejected or allowed by the said board of commissioners;" and, consequently, whatever the amount of those allowed might be, and even whatever the amount of those *presented* might be, although they should be rejected on no other ground than that they were "not embraced by the principles and rules" prescribed to the board of commissioners; they replied, that all this, however true it might be, was matter of inference, and left room for argument and discussion on the part of those disposed to find fault with the treaty; and they insisted upon the indispensableness that its stipulations on the subject should be so clear, and definite, and precise, as to preclude all possibility of doubt or of argument.

They proposed that there should be no limitation of the amount as to this class of claims, either in connexion with the discharge

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or with the assumption. I at once told them that in regard to the latter, the amount must be limited. This was a *sine qua non*. "Why?" They could not see any reason for this, and it seemed to them to involve a contradiction that Mexico should receive an unqualified discharge from a class of claims, the amount of which could not be precisely known at the time the discharge was given, and yet that the amount assumed by our government should be a limited one. Suppose that the amount of the claims allowed by our board of commissioners as just, should exceed that limit, what would the United States do then?

I answered, that, in the first place, the limit which had been fixed was founded on data sufficient for a near approximation to the highest sum which, in all probability, could be necessary for paying the just claims; and that, in the next place, if that sum should prove insufficient, the discharge given to Mexico would present a case for the justice and equity of our Congress, in respect to which there was no danger of its being disregarded. Because the obligation to pay *now* contracted was limited to a certain amount, it did not at all follow that if justice should require the payment of a larger amount, provision would not hereafter be made for paying the excess. But that this obligation should, in respect to the amount to be paid, be limited in the treaty, was a *sine qua non* which it was a waste of time to talk of my departing from; because our Senate could not be called upon to vote upon a treaty containing a stipulation of this kind, without their being informed what was the extent of the obligation so incurred—without their knowing that it had a limit, and what this limit was. This limit might, it is true, be ascertained without its being inserted in the treaty. This was not, in the nature of things, impossible; but it was so, in a practical sense, when considered with reference to the action of the Senate upon a treaty. Viewed under this aspect, the only way of treating such a question was, to cut it short by fixing a limit to the sum which the Senate should, *then* and by that vote, consent to place the nation under the obligation to pay. Nor did such restriction of this obligation weaken the force of any other or further obligation which might be involved or implied in the discharge given to Mexico, any more than it weakened the force of any other stipulation contained in the treaty; its sole effect was to leave that other or further obligation, whatever it might be, to be judged of and dealt with by itself. It was perfectly evident, too, that it could not possibly have any such effect as that of qualifying in any manner the discharge given to Mexico by the sentence with which the article closes, as it stands in the projét.

Although I was thus positive in regard to specifying a limit, in connexion with that part of the agreement which binds us "to assume and pay," I was fully sensible of the indispensableness that the wording of the treaty on this whole subject of claims (for it is the one above all others on which the Mexican mind is most sore and suspicious) should be such as to preclude the possibility of discussion and of doubts, real or pretended. I was aware, too, that the article, as it stands in the projét, is not well adapted to

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this object; that, however easy it may be to an English reader to ascertain its import with reference to any question that may be started in regard to the nature or extent of the obligation expressed by it, its form and texture, beginning with an assumption of the class of claims there specified, connected with a limitation of the amount, and then the qualification that they "shall be found justly due," and then the "proviso," and the discharge following after all this, are not at all favorable to its import being satisfactorily seized by a Spanish mind; habituated, as those minds are, and necessarily become from the very nature of their beautiful and noble language, to the most lucid, precise, and logical modes of statement and expression on all subjects. In a word, the article when translated, although accurately translated, presented a maze which perplexed and racked the brains even of the commissioners (men of very clear heads and great ability) in the attempt to follow it out.

It was indispensable, therefore, to take the article to pieces, in order that its substance might be incorporated in separate and perfectly distinct stipulations. The final result of this labor on my part (which, as regards mere form, was adapted to the wishes of the Mexican commissioners) will be seen in articles 13, 14, and 15; the substance of which differs from that of the projét in the two following particulars, and in these only: 1st. In substituting, as regards the non-liquidated claims, the words "which may have arisen previously to *the date of the signature of this treaty*," for "which may have arisen previous to *the* 13*th of May*, 1846." 2d. In extending the limit with respect to those claims, to "three *and one quarter millions*," instead of "three millions."

The *discharge* given to Mexico is contained in the XIVth article. This, with the exception only of the extension of the period just specified, is in substance identical with the discharge expressed in the projét. Upon carefully examining the latter, in order that this identity might be preserved—absolutely in point of substance, and as closely as possible in point of phraseology—I thus arrived at the substance of the discharge.

The article, as it stands in the projét, concludes as follows: "And the United States do hereby forever discharge the United Mexican States from all liability for any of the said claims, whether the same shall be rejected or allowed by the said board of commissioners."

What is the meaning here of "*the said claims?*" The answer to this question is found in that portion of the preceding passage which is underscored in the following quotation of the entire passage:

"And the United States also agree to assume and pay, to an amount not exceeding three millions of dollars, *all claims of citizens of the United States, not heretofore decided against the government of the United Mexican States, which may have arisen previous to the* 13*th of May*, 1846, and shall be found to be justly due by a board of commissioners to be established by the government of the United States, whose awards shall be final and conclusive: *Provided* that, in deciding upon the validity of these claims, the

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board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the 20th day of November, A. D. 1843; and in no case shall an award be made in favor of any claim not embraced by these principles and rules."

Whatever might be the perplexity occasioned by this passage to a Spanish mind, and whatever might be the pretexts afforded by it for discussion in the Mexican Congress, its meaning is perfectly clear to any English reader. Taken in connexion with the *discharge*, as expressed in the sentence "And the United States do forever discharge," &c., which immediately follows, it is certain that this discharge embraces "*all* claims of citizens of the United States, not heretofore decided against the government of the United Mexican States, which may have arisen previous to the thirteenth of May, 1846;" and that it is in no manner whatever affected by the limitation "not exceeding three millions of dollars," nor by the qualification "and shall be found justly due," &c. That this limitation and qualification apply solely to the obligation to *pay*, and cannot by any possibility be understood as attaching to the discharge, is proved conclusively by the fact that the discharge, although restricted to "the said claims," goes on to say, "whether the same shall be rejected or allowed by the said board of commissioners." Not only does this addition exclude the possibility of any such interpretation of the article as would attach the limitation and qualification in question to the discharge, but it does more: it makes the discharge still more comprehensive than it would necessarily be from that mere exclusion. It makes it extend beyond the class of claims "embraced by the principles and rules" referred to; for the board being, as it is, bound not to give "an award in favor of any claim not embraced by these principles and rules," it follows that the want of this requisite alone must constitute the ground for the rejection of all claims which, being brought before the board, shall be found wanting therein. Consequently, if any such claims shall chance to be presented, they must be "rejected;" and must, therefore, take their place among those from all liability for which the Mexican government is forever discharged.

Having thus satisfied myself as to what constitutes the substance of the discharge given to Mexico by the article as it stands in the projét, and that, without its being in any manner affected by such separation, it could be separated from the context, and made the subject, by itself, of a stipulation distinct from all others, I adopted this course, and made it constitute the XIVth article.

For such separation of the discharge, stipulation from the one which assumes to pay, the Florida treaty affords a precedent. It affords one, likewise, for making the *date of the signature of the treaty* the limit of the period with reference to which the discharge is given. Upon this point, the Florida treaty says, "reciprocally renounce all claims for damages or injuries which they themselves, as well as their respective citizens and subjects, may have *suffered until the time of signing this treaty*." In the specification which follows, it says, "all claims of citizens of the United States upon

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the Spanish government, *statements of which*, soliciting the interposition of the government of the United States, have been presented to the Department of State, *or to the minister of the United States in Spain*, since the date of the convention of 1802, and *until the signature of this treaty.*" The treaty being made at Washington, the discharge did, therefore, embrace, either in fact or by possibility, claims of which the government of the United States could possess no knowledge at the time of giving the discharge. The present treaty, retaining the phraseology of the projét, and changing only the period of time, reads, "which may have *arisen* previously to the date of the signature of this treaty," &c.

In this deviation from the projét, I have not, however, been governed or influenced by the precedent. My motive was, the strong considerations, both of justice and of expediency, by which it was recommended, and under the influence of which I had made up my mind to *offer* it, before a word had passed between the Mexican commissioners and myself. When we came to this subject, they proposed to fix the *date of the exchange of ratifications* as the limit to the period in question. They urged this strongly; and they gave what I believe to be good and substantial reasons for so doing, which reasons may be summed up in the single fact stated to me by Señor Couto, who has filled the post of minister of justice, and who (as was remarked to me by a foreigner residing here, and one whose judgment on such a point I consider as much entitled to reliance as that of any person known to me) is really, and truly, "a character *without a blemish.*" This character without a blemish, the purity of whose life, *in all respects*, would, so far as my belief goes, advantageously compare with that of any man living in any country, said to me: "* * * * * *
* * * * * * * * * *
And the same is the case with respect to almost every judicial proceeding in which a foreigner is involved. Let its legality, and justice, and equity be ever so manifest, still the complaint and claim for indemnity is sure to come up." Upon this point, however, I was governed by the precedent; and I fixed myself upon it as one beyond which I would not go: not that I believed that the extent of the obligation on our part would, as to its practical consequences, be varied a hair's breadth by adopting the limit proposed by them in place of the time of signing the treaty; for I considered it as scarcely within the bounds of possibility that, under existing circumstances, a single just claim should arise between the signing of the treaty and its ratification. But, as there was already a precedent for the one period and not for the other, I was resolved to adhere to the precedent, simply and solely for the sake of avoiding all unnecessary multiplication of the questions to which the treaty would give rise when it should come under examination.

The considerations to which I have adverted as those which determined me to make the offer, I will not succinctly state. There is no point at which the treaty could be more effectually fortified,

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and none at which it was more important that it should be secured against objections, and made acceptable to the Mexican people, than the one here under contemplation; the subject of claims being, as I have already said, the one upon which they are most sore and suspicious, and in regard to which, any security afforded them would be most effectual in producing general satisfaction. On this subject, their feelings are those of a covey of partridges, with reference to the hawks that visit the region where they inhabit. I do not, here, enter into the causes of this feeling, nor into the inquiry whether just grounds for it have, or have not, been afforded. I merely state the fact that it exists; and to this fact every impartial foreigner, who has been among them, will bear witness.

With respect to the period intervening between the date fixed in the projet (the commencement of hostilities) and the signing of the treaty, I had no doubt that claims *to a very great amount* would be *brought*, founded on alleged infractions of the 26th article of the treaty of 1831; whilst, on the other hand, I had as little doubt that the amount of *just* claims of this description would be very inconsiderable indeed. My mind is not, by any means, satisfied that there is a single one which our country would be under any equitable obligation to exact indemnity for, even if she could do so at far less cost to herself than the prolongation of the war by a single day, or a single hour. I doubt, indeed, whether there be a single case of the kind, whatever be the losses which the party may allege, or may, in truth, have incurred, which an impartial tribunal, untrammelled by any rule save the obligation to obey the dictates of an enlightened equity, would make the ground for a decree of indemnity at the expense of the community where those losses occurred, or of any one except those by whose acts they were brought about.

So far as the article referred to concerns *merchants*, an equitable claim upon the people of the United States, either to exact or to pay an indemnity for losses incurred by individuals of that class, in consequence of a violation of the stipulation which the article contains in their favor, even supposing this violation to be clearly proved, and to be clearly proved to have *not* been (as, under such circumstances, it must *prima facie* be presumed to have been) an inevitable consequence of the state of war; such equitable claim, even with these things all in its favor, manifestly requires, moreover, *that the party shall have shown due diligence* in using the time which that stipulation allows for extricating himself from the consequences naturally incident to a residence upon the theatre of hostilities; among which consequences is the constant risk of that *vis major* which overrules all law, and which might at any moment, even although that time had not expired, render his removal a measure of permanent military necessity, absolutely indispensable to the defence and safety of the country. No such title certainly could be pleaded—there would not be the slightest pretext for the claim—on behalf of one who had allowed the *whole time* to expire. Nor could it be pleaded on behalf of one who had al-

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lowed *any part* of that time to pass withot giving proof of an *animus* altogether the reverse of that of continuing where he was.

The same considerations apply, in a great measure, and in some respects yet more forcibly, to persons *other than merchants*, who, finding it to their account to do so, had seen fit to continue in the enemy's country. The stipulation made in favor of such persons could never be construed into an obligation on part of the country, which, for their own profit and advantage, they had abandoned in order to establish themselves in another, either to indemnify them at the expense of those of her citizens who had been content to remain at home, for any losses they might have sustained as a consequence of the election they had so made, or to prolong the war indefinitely, until the enemy should consent to take the burden of such indemnity upon himself; or, which practically amounts to the same thing, should agree to remain subject to a *claim* for that indemnity after peace should have been made. Nothing but a case of the very clearest and strongest kind that can be conceived—a case of deliberate wrong altogether unprovoked, altogether uncalled for by the exigencies of war, altogether unconnected with its casualties—could warrant any such expectation on the part of any person who, having seen fit to seek in a foreign country a more advantageous field for carrying on his trade than the one afforded by his native land, had found it for his advantage to remain there after the two nations had become involved in war. And even in a case of this kind, the question would still be between *justice*, naked justice, and nothing more, to the millions who had remained at home, and *favor*, gratuitous favor, to the few who had elected to go abroad and settle there in order to be better off than those who remained at home.

I am old enough to recollect that during our last war with England many British subjects, merchants and others, were required to leave New Orleans, and I think other places on the seaboard, for the interior of our country. I find in our treaty of 1794 with that nation, (article 26,) stipulations similar to those contained in our treaty with Mexico, and still stronger; for they not only secure to "merchants and others" "the privilege of remaining and continuing their trade so long as they behave peaceably, and commit no offence against the laws;" but they require that, even "in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for that purpose," &c. In the treaty of peace of 1814, nor in the subsequent conventions, I find no provision for indemnifying such British subjects for the losses sustained by them in consequence of their expulsion from the places where they were carrying on their business, under the guarantee afforded by these stipulations.

While examining the recent work of Monsieur de Mofras, in quest of geographical information respecting the line of division between the Californias, I came to the following passage, (vol. 2, p. 473:) "We know only the decision of England as arbitrator,

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which denies to the French, expelled after the capture of San Juan d'Ulloa, all manner of indemnity for the losses caused by that expulsion." Now the expulsion here referred to was, by a decree which operated throughout the republic, upon all French subjects *en masse*, without being founded upon special reasons in individual cases, either as to persons or places. A considerable number sailed from the country, and a far greater number had to break up their business, abandon their abodes, and depart with their families for the seaports, before the operation of the decree was arrested. In this way, many hundreds in one body left the city of Mexico. I have not been enabled to obtain a copy of the decision given by the British government in this case, nor of the stipulation by which the question was submitted to arbitration. I am therefore, uninformed as to its precise nature, and as to the principles upon which the decision rested. But, inasmuch as no treaty existed between France and Mexico, the case cannot have been submitted as turning upon a question of interpretation, or of strict *law*, in any way. It must have been submitted as a case in equity, as one depending upon equitable principles, in their application to the relation which, agreeably to the received doctrine in regard thereto, exists between the foreign residents of a country and the government of that country, when war exists between it and the one to which they belong.

But, whatever may be the principles which shall be deemed to afford the proper rule in regard to cases of this description, and looking only to the *loss of property* actually incurred, my conviction is, that the amount cannot but be very inconsiderable, and that it could be made to appear otherwise only by fictions and by estimates of *consequential* losses, based upon the assumption, that the parties were entitled to be insured, at the expense of our country, from the breaking up of their business, and other ordinary incidents to war; incidents similar to those which commonly attended the state of war, even in places remote from the state of hostilities, and which would, in our own country, affect in a greater or less degree the business of every one of her citizens residing in or near a place captured, or besieged, or threatened, or blockaded by the enemy.

In view of the addition of the period of the war to the term for which the discharge from claims is given to Mexico, I have added one quarter of a million to the three millions fixed by the projét, as the extent to which claims, *if found just*, shall be paid. I have made this addition, not that I believe that the claims arising during the war, which shall be found just, will amount to anything like this sum, or that the three millions will not prove more than sufficient to cover the whole, but because the offer of the three millions, with reference to those arising before the war, having already been made and become publicly known, it seemed proper that the addition made to the discharge should not appear, except accompanied by some increase of the sum. As it is only in the event of the claims being found justly due, that this increase takes effect, no necessity existed for limiting its amount to that of an estimate regard to the sum total of these claims.

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[The following papers were inadvertently omitted in their proper order.]

[No. 9.] PUEBLA, *July* 23, 1847.

SIR: *

In my No. 8, under date the 7th instant, I transmitted a copy of a letter addressed by me to General Scott, under date the 25th June, and his reply to the same. This constituted the commencement of our official intercourse with reference to the duties with which I am charged. Justice—to say nothing of my own feelings towards a gentleman and a public servant, whose character I now believe that I had entirely misconceived—demands that I should embrace this early opportunity to say that his whole conduct in this regard has been characterized by the purest public spirit, and a fidelity and devotion which could not be surpassed, to the views of the government in regard to the restoration of peace. This spirit on his part—as will clearly appear when the details are communicated—has manifested itself, not in a passive way merely, (as might be supposed from the nature of our relative positions and duties,) but in a disposition to assume responsibility—and responsibility of the gravest kind—in utter disregard of consequences to himself. And this disposition—or rather, this readiness and fixed determination—on his part, although the occasion which has called it forth did not relate to the discharge of his military duties, strictly speaking, has not required any appeal from me to elicit it, but has manifested itself in the most spontaneous and patriotic manner. Under these circumstances, it would not but be a cause of the most serious regret on my part if the correspondence between us, that took place shortly after my arrival in this country, should in any way be brought to the notice of the public; and, consequently, if in your judgment consistent with propriety, it would be highly gratifying to me to be permitted to withdraw it from the files of the department.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

[Enclosure with Mr. Trist's despatch No. 9.]

Message of the President, (Santa Anna,) through his Secretary of State, to the Mexican Congress, July 16, 1847.

It commences with a succinct but perfectly lucid and candid *statement* of what has occurred, beginning with the note of our government of the 17th June, 1845, and ending with that of the 15th April last, which is represented as saying, that inasmuch as the objection to receiving Mr. Slidell was the too great amplitude of his charac-

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ter, the United States now send Mr. N. Trist, who, *although a person of standing in the republic*, being the second officer of the ministry of foreign relations, is not invested with any character beyond that of commissioner, nor any mission or faculties beyond treating of the means of terminating the war, &c. It then proceeds:

"H. E. the President *ad interim*, Don A. L. S. Anna, who was called upon by the nation *to conduct the war of defence* against the United States, in the war of invasion which these are prosecuting against it, of rare example in history for its injustice, &c.; and who, responding to this call of his country, and to the impulses of his heart, has led the army even beyond the desert to seek the enemy," [here S. A.'s exploits.] "H. E. the President, I say, who has done and is doing all in his power to push the war, found himself, nevertheless, with this business begun; and not wishing to do aught *but the will of* Congress, *as the interpreter of that of the nation*, which had specially assigned to it the duty *of taking cognizance of everything relative to the war*, he referred this note [Mr. Buchanan's] to them, that they might consider and determine upon it. Having [the minister] laid before him the note of your excellencies [the secretaries of Congress] communicating the determination taken on the subject, he directs me to reply, saying to your excellencies, in order that you may be pleased to communicate the same to Congress, that he entertains a sincere *doubt of law* in regard to the interpretation which should be given to their said resolution. It is therein said that, in the present posture of the business, its cognizance belongs to the Executive.

"Had the object for which the Executive referred the note of the Secretary of State of the United States been, that he might know his powers; and, more clearly still, if what he meant to request had been an opinion in regard to which is the proper branch of the government to initiate, or to accept an initiative, for the opening of treaties of peace—in such case the reply would have been categorical. But no doubts having occurred to the Executive in regard to the extent of, or the time and restrictions of the powers conferred upon it by the fundamental code, the necessary determination asked for by it is, whether, using those powers, and confining himself in so doing to the restrictions of the fundamental code, it shall answer the note by saying that it will hear, or that it will not hear, the propositions which it is desired to make to it. *For the dignity of this nation, this note cannot remain without reply*, a reply which the commissioner is now awaiting at the city of Puebla, *unless this also should be so resolved by Congress.* And if it is to be replied to, the Executive does not wish to do aught but the will of Congress. It does not suffice that Congress should leave it at liberty freely to use its constitutional powers in regard to the business as it now stands; and for which renewal of confidence I am instructed by the Executive to express its most submissive thanks. This does not suffice, because another law, (that of the 20th April last,) which, although secondary, is yet *ad hoc*, and was passed by Congress in fulfillment of its mission *to take cognizance of all things relative to the war*, conflicts with the present resolution of Congress, and

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appears to have been enacted for the purpose of prohibiting to the Executive, in the present state of the business, the exercise of the faculty conferred upon it by the constitution. This is the doubt of law, in regard to which he makes a formal request that it be cleared up by means of another law or decree. In that of the 20th April, it is said that the Executive shall not have power to make peace with the United States, nor to conclude negotiations with foreign powers; the faculty conferred upon the Executive by the constitution, in regard to the present posture of this business, is that of making treaties," &c., &c.

"It is not true that if the decree of the 20th April had not been passed, still the principle of the fundamental code would have been in full force, whereby peace could not have been made, however many treaties the executive might have made for its establishment, so long as those treaties should not have been approved by congress? Most certainly it is. Consequently, if this decree did not divest the executive of the faculties conferred upon it by the fundamental code with reference to the present state of the subject, the decree would be perfectly inoperative, or would indicate an ignorance or an obliviousness on the part of the legislators which is not to be supposed.

"On the contrary, so strongly is it to be supposed that such was their intention, that when the other states of the world are mentioned with reference to the restrictions upon the faculties of the executive, the constitutional doctrine is repeated, by way of recalling to mind the restriction imposed by the code. The executive shall not have power to *make* peace with the United States, and it cannot *conclude* with the other powers. With the decree, or without the decree, it can never conclude matters which have been negotiated with any power, whether the United States or any any other; therefore, with regard to the others it says *conclude*; with regard to the United States, *make*," &c., &c.

"Now, that this decree is still in force since the adoption and publication of the constitution, is a point which it had never occurred to any one to raise a doubt about until now. If this decree was passed by a congress, summoned to take cognizance of all things relative to the war with the United States, it is clear that, the war still subsisting, and the congress still subsisting, the decree also still subsists, &c., &c.

"If the present congress should see fit that the decree of the 20th April shall not remain in force, it would be necessary expressly to repeal it, because congress by various acts has recognised it as subsisting," &c., &c.

"But this is not the subject in hand. These aggressive enemies of ours, whom the general president has fought and is ready to fight again, say to us, now that here is the commissioner, such precisely as the Mexican executive (who was not General Santa Anna) consented to receive and to listen to: *Without listening to him, it cannot be known if peace is dishonorable.* Will you hear? This is the question," &c.

"Finally, and to conclude in a word, I am commanded by H. E.

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the president to say to your excellencies, in order that you may be pleased to say it to congress, that the nation is the only arbiter of its destiny; and as this is to be staked, and perhaps to be decided, in this struggle, and because in the question, to hear or not to hear that which it is desired to propose to the nation, the executive does not wish to do its own will, but that of the nation, it desires to know what this is: to none except its representatives can the executive address the inquiry. The executive expressly requests of congress that it declare if it be the will of the nation not to listen to propositions of any sort which may come from the United States.

I offer, &c., &c. God and liberty! Mexico, July 16, 1847.

R. PACHECO.

[No. 10.] PUEBLA, *July* 31, 1847.

SIR: In my last I said, "I consider the probabilities of an early peace very strong." * * * * * * * * * * * *

We had intelligence last night of General Pierce, from Colonel Wynkoop, governor of Perote, which place General P. doubtless reached last night, and will leave to-morrow morning. Allowing him three days for the march hither, and as many more to rest and recruit, we shall, in all probability, be on the march to Mexico in a week from this time, with from 8,000 to 8,500 men, a force abundantly—I may say overwhelmingly—sufficient to dispose of the 30,000 congregated in and about Mexico, and to add another hundred or two of pieces to the cannon that has passed into our hands. We are, however, I feel quite sure, not destined to enter the city: so entirely was I mistaken when I said that a march upon it and its occupation were convertible expressions. After trying his fortune, not without hope, it seems, that she may smile upon him at the Peñon, (see Venta de Mexico in Manouvrier and Snell's recently published chart of the road—taken, I think, from Humboldt,) or whatever point we may decide upon first carrying, S. A. will, whether successful or unsuccessful in his resistance, contrive to have himself entreated to negotiate an armistice, for the appointment of commissioners. The only point which I consider at all problematical—for I feel as certain in regard to the rest as one can well feel on such a subject—is whether congress can be kept there, and prevented from scattering to the four winds; in which latter event, ratification would be a hopeless thing; and this, being evident, would probably prevent the negotiation of a treaty.

The *Diario del Gobierno* of the 24th, 25th, and 26th instant—slips from which are referred to in No. 1—will be sent to you entire from the office of the New Orleans Delta, with the correspondent of which here I long since made the arrangement in regard to all newspapers transmitted by him, that they are to be forwarded to you. Every addition to what the courier has to carry increases the chance of his detection and capture. This was one of the rea-

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sons for this arrangement, (not to double the bulk of newspapers;) the other being, that he often obtained papers which were the only ones that had come to the city.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

No. 1.—*Extracts.* "You will no doubt have been amused at the mutual endeavors of Congress and Santa Anna to put the responsibility of entering into negotiations upon each other; so far, congress have succeeded; for although S. A. addressed them the plain question of whether they wished peace or war, he was unable to make them meet to give him an answer; * * *

* * * * * * *

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CORRESPONDENCE

BETWEEN

THE SUPREME GOVERNMENT OF MEXICO

AND THE

GENERAL-IN-CHIEF OF THE AMERICAN ARMY,

AND

THE COMMISSIONER OF THE UNITED STATES.

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HEAD-QUARTERS ARMY OF THE U. S. OF AMERICA,
Coyoacan, August 21, 1847.

Gen. Scott to President of Mexico.

SIR: Too much blood has already been shed in this unnatural war between the two great republics of this continent. It is time that the differences between them should be amicably and honorably settled. Your excellency knows that there is with this army a commissioner on the part of the United States invested with plenary powers to that end. In order to open the way for the two republics to enter into negotiations, I desire to execute, on reasonable terms, a short armistice.

I await with impatience until to-morrow morning for an answer to this communication; but in the meantime I will take and occupy such positions without the capital as I may consider necessary to the shelter and convenience of this army.

I have the honor to remain, with high consideration and respect, your excellency's most obedient servant,

WINFIELD SCOTT.

To his Excellency the PRESIDENT
and general-in-chief of the republic of Mexico.

WAR AND NAVY DEPARTMENT,
SECTION OF OPERATIONS.

Reply of Minister of War.

SIR: The undersigned, Secretary of War and the Navy of the government of the United States of Mexico, has received orders from the most excellent President general-in-chief to answer the communication of your excellency, in which you propose to him to enter into an armistice, with a view to prevent the further effusion of blood between the two great republics of this continent, and to hear the propositions which may be made to that end by the commissioner of the most excellent President of the United States of America, who is at present at the head-quarters of your army.

It is certainly lamentable that inconsiderate regard to the rights of the Mexican republic has led to the shedding of blood by the two first republics of this American continent, and with great exactness your excellency has characterized this war as unnatural—not alone for its motives, but likewise on account of its being produced by two nations whose interests and relations are identified with each other. The proposition of an armistice to terminate this scandal has been accepted with pleasure by his excellency the president general-in-chief, because it will open the way through which the propositions of the commissioner of the President of the

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United States of America for the decorous termination of this war may be listened to.

In consequence, his excellency, the president general-in-chief, has ordered me to announce to your excellency that he admits your proposition to make an armistice, to effect which he has nominated the Brigadier Generals Ignació Mora Villamil and Benito Quijano, who will meet at the hour and place you may appoint.

His excellency the general president has instructed me to communicate to your excellency his willingness that the army of the United States shall take commodious and furnished quarters, hoping they will be found without the range of shot from the Mexican fortifications.

I have the honor to be, with high consideration and respect, your excellency's most obedient servant,

ALCORTA.

To his Excellency WINFIELD SCOTT,
General-in-chief of the Army of the U. States.

Copy.—Mexico, August 21, 1847.
MANUEL MARIA SANDOVAL.

Minister of Relations to the President of Congress, calling on them to meet.

MOST EXCELLENT SIR: All Mexicans, but more especially the inhabitants of this capital, are witnesses of the extraordinary efforts made by the most excellent president *ad interim* to reunite an army capable to combat the army of the United States, and to recuperate the lustre of the arms of the republic. They have likewise witnessed the intrepid valor with which he exposed his life in the combat until victory frowned again upon him, and now the enemy is found at the gates of the city.

Under these circumstances, and whilst the inhabitants of the populous Mexico have made all kinds of sacrifices to carry on the war, it is one of the most imperious duties of the first magistrate to prevent the irreparable evils of an assault, and to avoid all the consequences of a violent occupation. To this end, availing himself of his constitutional powers, and in conformity with the resolution of the general congress communicated on the 16th of July last, he has resolved to hear the propositions which Don Nicolas Trist has come to make and negotiate on the part of the United States. In the meantime there will be a suspension of arms.

Inasmuch as this affair is of great interest to the republic, the excellent sor. president desires that the national congress may take in it such part as may correspond to it, for which purpose he ordered me to urge your excellency to use all the means in your power to convoke the members of congress in session at 12 m. this day.

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I reiterate to you the assurance of my distinguished consideration.

God and liberty! Mexico, August 21, 1847.

J. R. PACHECO.

To the Most Excellent Sor. PRESIDENT
of the soverign congress.

SECRETARY'S OFFICE
Of the sovereign constituent congress of Mexico.

Reply.

MOST EXCELLENT SIR: As soon as I received your note of this day, I took the necessary measures to cite the members of congress; but at 3 o'clock, p. m., no more than twenty-six individuals had met. Many members are absent from this capital by virtue of the resolution of the 10th instant. Those present at the junta agreed that the absent members should be again cited, and that it should be urged upon the government that it, through the medium of the most excellent governors of the States, should procure a reunion of congress.

All of which I have the satisfaction of making known to your excellency in answer to your note aforementioned, and of renewing the assurance of my esteem.

God and liberty! Mexico, August 21, 1847.

A. M. SALONIO.

To the Most Excellent
Sr. MINISTER OF INTERIOR AND EXTERIOR RELATIONS.

Armistice.

The undersigned respectfully nominated the two first by the most excellent sr. president of the republic of Mexico and general-in-chief of its army, Don Antonio Lopez de Santa Anna, and the three last by his excellency major general of the United States of America and general-in-chief, Winfield Scott. Having met in Tacubaya the 22d day of August, 1847, duly examined and exchanged their plenary powers to make an armistice between the two armies for the purpose of enabling the government of Mexico to take into consideration the propositions which the commissioner on the part of the most excellent Sor. President of the United States of America has to make, they agreed on the following articles:

1st. There shall be an immediate and absolute cessation of hostilities between the armies of the United States of Mexico and that of the United States of North America within a circuit of thirty leagues from the cap-

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ital of the first, to give time for the commissioners appointed by the republic of the United States to treat with those who may be appointed on the part of Mexico.

2d. This armistice shall be continued all the time the commissioners of the two governments are occupied in negotiating, or until one or the other of the chiefs of the two armies may give to the other formal notice of its termination, after which hostilities shall not break out until forty-eight hours shall have elapsed.

3d. Whilst this armistice is in force, neither army shall commence, within the aforesaid circuit of thirty leagues from Mexico, any fortification or military work, offensive or defensive, nor shall anything be done to enlarge or reinforce existing works or fortifications within the aforesaid limits.

4th. Neither army shall be reinforced. Whatever reinforcements of troops or munitions of war, excepting provisions which may now be on the way to either of the two armies, shall be detained at the distance of twenty-eight leagues from the city of Mexico.

5th. Neither of the armies, nor detachments of them, shall advance beyond the line now actually occupied.

6th. Neither of the armies, nor detachments of them, nor any individual of a military character, shall pass the neutral limits established by the antecedent article, excepting those who may carry the correspondence between the two armies, or who may go on business authorized by the following article, and then under a white flag. The individuals of either army who by casualty shall trespass upon the neutral territory shall be kindly admonished by the contrary party, or they shall be returned to their own army under an escort with a white flag.

7th. The American army shall not with violence oppose the introduction of the usual provisions necessary for the consumption of the inhabitants and army within the city, nor shall the Mexican authorities, either civil or military, do anything to obstruct the passage of provisions from either the city or country to the American army.

8th. All the American prisoners of war now in the power of the Mexican army, who have not been exchanged prior to this date, shall be exchanged as soon as possible, one for one, according to their rank, with Mexicans made prisoners of war by the American army.

9th. All American citizens who were established in the city of Mexico previous to the present war, and were since banished from said city, shall be permitted to return to their families and business in said city, without delay, nor shall they be molested.

10th. With a view to favor the grand object of peace, as well as to facilitate in a better manner the execution

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of these articles, it is further agreed that if either army wishes to send a messenger or bearer of despatches on the line from Mexico, or its vicinity, to Vera Cruz, or from thence here, said messenger shall receive a passport, signed by the chief of his army, and with a safe conduct from the opposing chief, which shall protect said messenger and his despatches from any interruption or loss by the Mexican or American troops on said line.

11th. In the towns occupied by the American forces, the administration of justice by the constituted authorities, in accordance with the general or State laws, shall not be interrupted in cases where Mexicans are parties.

12th. In the towns, villages, and hamlets occupied by the army or forces of the United States within the aforesaid limits, private property shall be respected, and no individual Mexican shall be restrained in the exercise of his profession; they shall not be obliged to perform any service against their free will and consent, in which case they shall be paid a just price; trade shall not be disturbed in any way or manner.

13th. The wounded prisoners shall not be embarrassed in any way; and when they wish to move to a more commodious place to be cured, they shall be permitted to do so, it being understood that they are still in the character of prisoners.

14th. The health officers of the Mexican army may attend on them when desired.

15th. For the punctual fulfilment of this agreement, two commissioners shall be appointed, one by each party; and in cases of discord, they shall elect a third.

16th. This agreement will not be valid until approved by the most excellent Sors. generals-in-chief of both armies, and within the term of twenty-four hours, counting from six in the morning of the 23d.

IGNACIO MORA Y VILLAMIL.
BENITO QUIJANO.
J. A. QUITMAN,
Major General U. S. Army.
PERSIFOR F. SMITH,
Brigadier General U. S. Army.
FRANKLIN PIERCE,
Brigadier General U. S. Army.

HEAD-QUARTERS, ARMY OF THE U. S. OF AMERICA,
Tacubaya, August 23, 1847.

Having taken it into consideration, I approve and ratify it, with the express understanding that the word *supplies*, which was used a second time in the 7th article

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of this military convention—the text, or American copy—should be taken to mean (as understood in both the American and English armies) arms, munitions, clothing, equipage, provisions for men, forage, money, and in general all that is necessary to an army. This word "supplies" is translated in the Mexican copy erroneously, and is made to express *provisions* instead of supplies.

WINFIELD SCOTT,
General-in-chief of the Army of the U. S.

NATIONAL PALACE, MEXICO,
August 24, 1847,

Ratified, suppressing the 9th article, and explaining the 4th in the following sense, viz: the temporary peace of this armistice will be observed in the capital, and within a circuit of twenty-eight leagues around it. Agreed that the word supplies shall be translated *recursos*, and that in it shall be comprised all that is necessary to an army, except arms and munitions.

ANTONIO LOPEZ DE SANTA ANNA.

HEAD-QUARTERS, ARMY OF THE UNITED STATES,
August 24, 1847.

I accept and ratify the preceding condition added by the general president of the Mexican republic.

WINFIELD SCOTT.

An exact copy of the original.

G. W. LAY, *U. S. Army*,
Military secretary of the General-in-chief.

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*Points for discussion in the conferences with the commissioner of the United States, and which ought to serve as a basis to the Mexican commissioners; proposed to the most excellent Sor. President by the Minister of Relations, and approved by his excellency in a cabinet meeting of ministers.**

[Preliminaries.]

In the first place. The conferences ought to be held Points to be

* This resolution was reserved to be delivered to the Mexican commissioners after their nomination and being empowered to treat.

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treated upon in the negotiations, and which are to serve as the basis of the Mexican commissioners.

at some place intermediate to those occupied by either army,

In the second place. Previous to beginning to treat, the American commissioner ought to recognise on the part of Mexico her right to deliberate; that is, if the intention of the United States has been to increase their territory, why have they not remained with that which they have occupied *de facto*? If that which they have come to seek at this capital is the sanction of right, for consent, they should desist from asking what we are unwilling to concede, otherwise they may consummate their works *de facto*, and the war will continue.

1st. The independence of Texas will be recognized for an adjusted indemnification.

2d. Texas is understood to be the territory known by that name since the treaty of 1819, and whilst it formed a part of the State of Coahuila and Texas, but in nowise does it comprise the territory between the rivers Nueces and Bravo, as the Congress of pretended Texans declared to belong to it.

3d. The basis to treat for any other part of the territory shall be the evacuation of all the Mexican republic now occupied, raising the blockade, and leaving all our ports free.

4th. They may treat for Upper California.

5th. On no account shall they treat for the 26th degree of latitude as a boundary, which would cause the republic to lose all of Coahuila, all New Mexico, almost all Chihuahua, almost all of Durango, all Sonora, part of Sinaloa, and almost the whole of Upper California. They may concede one port, provided it should be San Francisco, in the character of a factory, but never as a boundary.

6th. Indemnification shall be agreed upon for the port as well as for a road by which to communicate with Oregon.

7th. Ditto for damages, injuries, and extraordinary expenses of the war made in the territory of the republic, this being what has brought them to the capital, and for which they have come to negotiate.

8th. Ditto for sufferings caused to families, and injury done to estates at Monterey, Matamoras, Vera Cruz, villages, and other cities, hamlets, and estates in the republic, in consequence of the war.

9th. Ditto for depredations committed by their troops.

10th. Ditto for the depredations committed by their guerilla party of criminals, set at liberty and authorized by them in violation of the law of nations.

11th. They shall close our accounts, unpaid as well as unliquidated, for reclamations made against us.

12th. The United States shall recognize as legitimate

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the titles of owners of land in Texas, in virtue of grants made prior to its declaration of independence; as well those of the general government as of the State, and will allow them the free use and enjoyment thereof.

13th. The United States shall compromise themselves not to permit slavery in the part of territory which they may acquire by this treaty.

14th. This treaty shall be extended upon the basis of reciprocity in all things wherein it may be compatible, or practicable, taking into view the respective state of the two nations.

15th. They must not agree to less than one year for its definitive conclusion.

16th. The guarantee for its observance will be sought, by common agreement, in some European power, or in a continental Congress.

17th. The basis of this shall be a republican system over the whole continent, excepting French Guiana and Brazil.

18th. The treaty about to be made must not in any manner disturb the principles of the most favored nation conceded by the republic to all other nations with whom it has made treaties.

19th. As another circumstance, they shall exact the restoration of the Irish prisoners, and that no one of the American army shall enter into the capital.

20th. All captured vessels and trophies shall be restored.

21st. As a general basis, they shall treat for peace as if we had triumphed, and as a nation who can yet carry on the war with advantage.

MEXICO, *August* 24, 1847.

LOPEZ DE SANTA ANNA.
J. R. PACHECO.
V. ROMERO.
ALCORTA.
RONDERO.

A copy.—O. MONASTERIO.

TACUBAYA, *August* 25, 1847.

Mr. Trist to the Minister of Relations.

The undersigned, a commissioner appointed by the United States of America near the United States of Mexico, invested with full powers to treat and confer with any person or persons, equally authorized by the Mexican government to negotiate and conclude with him or them a durable treaty of peace, friendship, and limits between the two republics, takes the liberty to call the attention

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of the minister of relations of Mexico to the military convention concluded on the 23d and ratified on the 24th instant, by which an armistice is established. He has now the honor to say that he is ready to treat with a commissioner or commissioners on the part of Mexico, and desires that he will designate an early day for their meeting, at some place which may be convenient to both parties. The undersigned offers to his excellency, the minister of relations, the assurances of his most distinguished consideration.

N. P. TRIST.

PALACE, &c., *August* 26, 1847.

Reply. The undersigned, minister of interior and exterior relations, has had the honor to receive and place before his excellency the president *ad interim* of the republic the note in which, in consequence of the armistice made by the general-in-chief of the troops of the United States, the Sor. D. Nicolas Trist, commissioned by the government of that nation, under the date of yesterday, manifests his readiness to treat with the commissioner or commissioners of this republic concerning the propositions of peace which he is authorized to make, asking that an early day may be named for their meeting at some point which may be esteemed convenient to both parties.

The undersigned has received orders from his excellency the president to manifest to Mr. Trist, in reply, that he is occupied in the appointment of commissioners to hear the propositions which Mr. Trist may be pleased to make. They will meet to-morrow at 4 o'clock, p. m., in the town of Atzcapuzalco, a point intermediate to those occupied by the forces of either nation, provided that Mr. Trist does not find the place of meeting inconvenient. The undersigned offers to Mr. Trist the assurance of his distinguished consideration.

J. R. PACHECO.

To Don NICOLAS TRIST, *&c., &c., &c.*

TACUBAYA, *August* 26, 1847.

Mr. Trist to the Minister of Relations. The undersigned, commissioner of the United States of America, has the honor to acknowledge the receipt of the note from his excellency Sor. Pacheco, minister of relations of Mexico, of this date, by which he is informed that commissioners on the part of Mexico will, on the morrow, at 4 o'clock, p. m., pass over to the town of Atzcapuzalco, if the undersigned should not find the lo-

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cation inconvenient, at which place the meeting will be verified, being a point intermediate to those occupied by the respective forces of the two nations.

The undersigned has the honor to say that he accepts with pleasure this invitation, with a confiding hope that this first interview will be speedily followed by a satisfactory adjustment of all differences between two sister republics. He reiterates to Sor. Pacheco the assurance of his distinguished consideration.

N. P. TRIST.

To his Excellency D. J. R. Pacheco,
Minister of relations of the Mexican republic.

Resolution of the most excellent sor. president, in cabinet council, August 25, 1847.

Order for the appointm'nt of commiss'ners.

The armistice sought by the enemy's general having been made, it becomes the duty of the Mexican government to appoint commissioners to hear, nothing more, the propositions for peace which the commissioner on the part of the United States, in the name of his government, may wish to make. The following are nominated: the representative Don Jose Joaquin de Herrera, magistrate of the supreme court of justice, Don Antonio Monjardin, and Don Antonio Garay, who shall be notified of their respective appointments, in which they will be required to meet to-morrow at 11 o'clock, a. m., in the office of the minister of relations, with whom they shall pass to the habitation of the president to receive the instructions agreed upon in cabinet council.

The minister of relations shall make a memorandum, which shall be placed in their hands by the president. This shall be confined to prescribing to them their true mission, which is nothing more at present than to hear the propositions for peace, which, in the name of the government of the United States, it pretends to make to the government of Mexico, the purport of which shall be transmitted immediately to the president, in order that he, with his cabinet, may determine what is convenient to be done in the premises. The government then reserves to itself the right to give sufficient instructions to its commissioners to enable them to enter upon the preliminaries of the negotiation, and will advise them during its progress, through the minister of relations, of all necessary steps to enable them to discharge in the best manner the duties of their commission, it being understood that they will agree to nothing definitively, without the previous approbation of the government.

[This act bears the sign manual of the president and his four ministers.]

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Letter from the Minister of Relations to Gen. Herrera.

MOST EXCELLENT SIR: The armistice sought by the general-in-chief of the troops of the United States has been concluded. It is now necessary to appoint commissioners who may hear the propositions of peace which that nation desires to make through its commissioner. The most excellent sor. president *ad interim* having full knowledge of, and confidence in, the patriotism, intelligence, and other commendable qualities which adorn your excellency, has thought proper to appoint you, together with a magistrate of the supreme court of justice, D. Antonio Fernandez Monjardin, and Sor. D. Antonio Garay, in whom he recognizes the same estimable qualities, commissioners for the purpose here indicated.

In the critical position in which our country is found, no one of its sons can or sought to shut his ears to its call. His excellency the president does not doubt that your excellency, as well as the other persons named, well cheerfully lend their aid to execute this important service. In consequence, I expect you will meet tomorrow, at 11 o'clock, in the office of the minister of relations, from whence we will pass to the habitation of the chief magistrate of the republic, who will communicate to you the instructions determined upon in cabinet council.

I renew to your excellency the assurance of my distinguished consideration.

God and liberty! August 25, 1847.

PACHECO.

The Most Excellent Sor. D. JOSE JOAQUIN DE HERRERA.

Same letter to Monjardin and to Garay.

I this day say to the most excellent Sor. General D. Jose Joaquin de Herrera as follows, (*a copy of the preceding communication is inserted,*) and have the honor of transmitting it to you, in order that it may produce a corresponding effect in that part which relates to you. At the same time, I renew the testimony of my esteem to you both.

God and liberty! August 25, 1847.

To the Sor. Magistrate Don ANTONIO FERNANDEZ MONJARDIN and Sor. Don ANTONIO GARAY.

Gen. Herrera declines to act as commissioner.

MOST EXCELLENT SIR: Your official note of this date has informed me that the most excellent president has been pleased to appoint me, in union with the magistrate of the supreme court, Don Antonio Monjardin, and Sor. Don Antonio Garay, to hear the propositions of peace which the commissioner of the government of the United States desires to make. As a Mexican who de-

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sires the good of my country, I ought to remind your excellency that I was at the head of the government in the year 1845, at which time the government of the United States proposed to send a commissioner to regulate the differences which, on account of Texas, had disturbed that harmony which ought to exist between coterminous republics. For having expressed my willingness to receive him, and hear his propositions, my administration was calumniated in the most atrocious manner, and finally resulted in a revolutionary fermentation, which separated me from the command. If I were to take any part in the affair at this time, the floodgates of calumny would again be opened with renewed violence; and no matter how honorable or advantageous terms might be obtained, taking into view our present circumstances, they would be badly received at my hands—much more so than if others had the management of the affair. Other reasons might be alleged to excuse me; but it appears to me that the foregoing is sufficient to induce the most excellent sor. president to admit my renunciation of the honorable commission with which he has been pleased to encharge me.

I have the honor to present this in answer to your official note, and to offer to you the consideration of my just regard.

God and liberty! Mexico, August 25, 1847.

JOSE J. HERRERA.

To the Most Excellent Minister of Relations Don Jose Ramon Pacheco.

Most Excellent Sir: Loving my country as much as he who loves it most, there is no sacrifice I would not make for its benefit, if from that sacrifice the slightest utility would be derived. I am, unfortunately, intimately convinced that no benefit would result to it by the sacrifice of my feelings and reputation, which would necessarily take place if I accepted the appointment of commissioner to hear the propositions of the commissioner of the United States, as indicated in your letter of this day, which informed me that the most excellent president had nominated me a commissioner for that purpose. Monjardin declines to act.

This consideration, added to my own knowledge (I speak without any affectation of modesty) that I lack all those gifts which should adorn a diplomatic agent, commencing with my ignorance of the language of the persons with whom we are to treat, imposes upon me the necessity of refusing to accept the appointment, which I ought not to admit, being convinced that I am incap to discharge the duties appertaining thereto.

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I fully recognize the honor conferred upon me by the most excellent sor. president by this nomination, and have the honor of renewing to your excellency the assurance of my distinguished esteem.

God and liberty! Mexico, August 25, 1847.

ANTONIO FERNANDEZ MONJARDIN.

To the Most Excellent Sor. Secretary of State and of Foreign and Internal Relations.

Garay declines to act.

Most Excellent Sir: Last night at 8 o'clock I received your excellency's note of yesterday, in which you were pleased to inform me that the most excellent President has thought proper to nominate me, in union with General Don Jose Joaquin de Herrera, and the magistrate of the supreme court of justice, Don Antonio Fernandez Monjardin, commissioners to hear the propositions of peace which the United States desire to make through their commissioner.

This trust, most excellent Sor., I understand will hereafter be extended to authorize them to confer upon the preliminaries of peace. I esteem it to be a very great trust, because the business which will be brought before it is very delicate and difficult to manage. If it has been heretofore merely a subject of discussion, it has now become a matter of conflict to the nation, and more particularly to the capital of the republic.

On this movement depends the national honor, which has already suffered by the war; and, according to the course of events, it may yet suffer greater evils than is apprehended. I understand the object of this mission does not extend to conclude a peace, but to propose all the preliminaries for it. The trust, nevertheless is difficult, because the actual relations of our affairs is becoming more complicated, and to manage them properly will require the most comprehensive intelligence. I cannot flatter myself that my limited capacity would enable me to fill the public expectation during the period of initiation, adjustment, and conclusion of a treaty; and as there is an infinity of Mexicans who, endowed with superior abilities, likewise possess the public confidence, by which they would be enabled to promote the public interest even in the initiative of the treaty to a much greater extent than I could possibly do, the true interest of this grave and important business impels me to decline accepting the appointment which the most excellent Sor. President has been pleased to confer upon me, and the duties of which are infinitely superior to my abilities.

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I beg your excellency will be pleased to make this known to the most excellent Sor. President, to whom you will give my cordial thanks for this distinguished mark of his confidence in me, and assure him, at the same time, that I am fully convinced of the difficulties which environ this affair, as well as my own insufficiency to manage it. I must and will, therefore, always refuse to accept the appointment which his excellency has conferred upon me. I renew to your excellency the considerations of my respect and esteem.

God and liberty! Tacubaya, August 26, 1847.

ANTONIO GARAY.

To the Most Excellent
Sor. Minister of Foreign and Internal Relations.

The President insists upon Herrera's acceptance.

Most Excellent Sir: I have laid before the most excellent Sor. President *ad interim* your official note of yesterday, in which you desire to be excused for not accepting the appointment of commissioner to hear the propositions for peace which the government of the United States wishes to make through its commissioner. In answer thereto he has ordered me to say to you, as I now do, that the same reasons which you invoke were those which induced him to select you as one of the commissioners. Those reasons advanced by you go to prove that two distinct administrations, influenced by diverse circumstances, have agreed on this essential point, that it is convenient for us to hear those propositions which it is announced will put an end to the evils of war. For which reason his excellency persists in his desire that your excellency will take charge of this grave and delicate business, to which end he invokes your well known patriotism and hitherto earnest desire to promote the interest of the republic.

Your excellency will see, by the accompanying copy of a communication directed to Sor. Don Nicolas Trist, that the meeting should take place to-morrow at 4 o'clock, p. m., in the town of Atzcapuzalco. His excellency the President will deliver to your excellency the instructions by which you are to be regulated. I renew to your excellency the assurance of my especial consideration.

God and liberty! Mexico, August 26, 1847.

PACHECO.

To the Most Excellent
Sor. Gen. of Division Don Jose Joaquin de Herrera.

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Gen. Herrera accepts.

MOST EXCELLENT SIR: From your excellency's note of this date, I see with regret that the most excellent President has not esteemed the principal reason set forth in my anterior communication to be just. I wished to be excused from accepting the honorable appointment of commissioner to hear the propositions of peace which the commissioner of the United States wishes to make; but inasmuch as the most excellent Sor. President considers it necessary that I should render this service, I am ready to do it, as well as to make any other sacrifice by which the country would be benefitted.

All of which I have the honor to say in answer to your excellency's note, offering to your acceptance my due consideration and esteem.

God and liberty! Mexico, August 26, 1847.

JOSE J. DE HERRERA.

To the Most Excellent
Sor. Minister of Relations, D. JOSE RAMON PACHECO.

Gen. Mora invited to act.

The armistice initiated by the general-in-chief of the United States is concluded; it is now necessary to appoint commissioners who may hear the propositions which that nation wishes to make through its commissioner. His excellency the president *ad interim* having full knowledge of, and confidence in, the patriotism, intelligence, and other commendable qualities which adorn your excellency, has thought proper to appoint you, in union with the most excellent Sor. D. Jose Joaquin de Herrera and another individual in whom are recognised the same qualifications.

In these critical times for our country, none of her sons can or should be deaf to her call. His excellency the president [does not doubt] that you and the others mentioned will cheerfully lend your aid to execute this interesting duty. In consequence, he expects you will call to-morrow, at 11 o'clock, at the office of this ministry, from whence we will pass to the habitation of the chief magistrate of the republic, who will communicate to you the instructions determined upon in cabinet council.

I renew to you the assurance of my distinguished consideration.

God and liberty! Mexico, August 26, 1847.

PACHECO.

To General Don IGNACIO MORA Y VILLAMIL.

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Most Excellent Sir: I have received your excellency's communication of this date, in which you are pleased to inform me that the time has arrived for us to hear propositions of peace which the commissioner of the United States is desirous to make. Further, that the most excellent Sor. President has thought proper to nominate me as one of the individuals who ought to form the commission that is to meet the commissioner of the United States, for which purpose we must meet to-morrow morning at your office to receive the necessary orders. Gen. Mora accepts.

Grateful for the confidence shown by nominating me to this delicate mission, I do not feel at liberty to decline, and will meet at the office of the minister of relations to-morrow, as you desire, and will spare no efforts on my part to insure good results to the commission.

I renew to you the assurance of my distinguished consideration.

God and liberty! Mexico, August 26, 1847.

IGNACIO DE MORA Y VILLAMIL.

To the Most Excellent Minister of Relations.

August 27, 1847.

This day the licentiates Don Jose Bernado Couto and Don Miguel Atristain were nominated commissioners; the commission is therefore composed of the following persons: Members of the commission on the part of Mexico.

Don Jose Joaquin de Herrera, general and representative in Congress.

Don Jose Bernado Couto, licéntiate and representative in Congress.

Don Ignacio Mora y Villamil.

Don Miguel Atristain, licentiate.

Don Jose Miguel Arroyo, secretary and interpreter.

Most Excellent Sir: Although I do not possess the necessary aptitude to execute in a satisfactory manner the commission which the supreme government has thought proper to encharge me with, as intimated in your excellency's note of to-day, and notwithstanding that the state of my health has for some time past obliged me to abandon all business, and taking into consideration the unfortunate situation in which the republic finds itself, I feel that no Mexican should withhold his services when required by the public authorities. I accept the aforesaid commission, and will immediately present myself as required, in order to receive the instructions of Senor Couto accepts.

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the government on the subject. In the superior abilities of those worthy persons with whom the most excellent president has been pleased to associate me, I found all my hopes of happy results.

God and liberty! Mexico, August 27, 1847.

BERNARDO COUTO.

To the Most Excellent MINISTER OF RELATIONS.

Senor Atristain accepts.

MOST EXCELLENT SIR: I received your official note of yesterday informing me that the most excellent Sor. President of the republic has thought proper to nominate me, in union with others, a commissioner to hear the propositions which the representative of the United States of America wishes to make to Mexico for the re-establishment of peace; and although I am persuaded that I do nor possess the necessary qualifications to enable me to execute the trust satisfactorily, I nevertheless accept it, because I think under these circumstances every Mexican should lend his services when required by the government.

I reproduce to your excellency my considerations and respects.

God and liberty! Mexico, August 28, 1847.

MIGUEL ATRISTAIN.

To the Most Excellent Sor. Don JOSE RAMON PACHECO, *Minister of relations.*

Senor Arroyo appointed secretary and interpreter.

The most excellent Sor. President *ad interim*, being satisfied of your patriotism and intelligence, has been pleased to appoint you secretary and interpreter to the commission which sets out to day for Atzcapuzalco to hear the propositions which the commissioner of the United States has to make. I communicate this for your satisfaction, and at the same time assure you of my esteem.

God and liberty! August 27, 1847.

PACHECO.

To Don JOSE MIGUEL ARROYO.

Senor Arroyo accepts.

MOST EXCELLENT SIR: Informed by your communication of to-day that the most excellent Sor. President has thought proper to appoint me secretary and interpreter to the commission about to hear the propositions for peace which the commissioner of the United States is

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desirous to make, and disposed to serve my country as far as in my power, and more particularly under existing circumstances, your excellency may assure the most excellent Sor. President that I will spare no efforts to respond in a worthy manner to the confidence with which he has distinguished me. I offer to your excellency the assurance of my consideration and respect.

God and liberty! Mexico, August 27, 1847.

J. MIGUEL ARROYO.

To the most excellent Sor. MINISTER OF RELATIONS.

Instructions for the commissioners appointed by the government of Mexico to hear the propositions which the government of the United States pretends to make.

Instructions to the Mexican commissioners.

In conformity with the cabinet resolution of this date, the commissioners of the Mexican government, on presenting themselves at the time and place agreed upon, and exchanging their respective credentials, shall restrict themselves to receive from the American commissioner the memorandum which contains the propositions of the United States. If he should not present them in writing, they will then limit themselves precisely to hear the propositions, and to nothing else. Be they few or many, they will draw up a memorandum which shall contain every article in a clear, precise, and categorical manner, which shall be signed by the American commissioner.

Whether it is necessary to draw them up at the first interview, or whether the American commissioner should produce them in due form, they shall be transmitted to the Mexican government by its commissioners, who shall not at that time suggest any modification, nor shall they announce or evince the slightest desire to make any alteration in the document.

PACHECO.

MEXICO, *August* 25, 1847.

Antonio Lopez de Santa Anna, general of division, well deserving from the country, President ad interim of the United Mexican States, to all who shall see these presents: Know ye—

Powers first presented by the Mexican commissioners.

That, exercising the power conceded to me by the constitution, I have resolved to hear the propositions for peace which the government of the United States desires o make through its commissioner, Mr. Nicholas Trist, nd having entire confidence in the patriotism, intelli-

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gence, and other commendable qualities which adorn the most excellent Sor. general of division D. Jose Joaquin de Herrera, the Sor. licentiate D. Jose Bernardo Couto, the Sor. general of brigade D. Ignacio de Mora y Villamil, and the Sor. licentiate D. Miguel Atristain, I have commissioned and empowered them to go to the town of Atzcapuzalco to receive and transmit to me the aforesaid propositions, which the aforementioned D. Nicholas Trist has come to make; for which effect I concede to those three the full power necessary, authorizing the Sor. D. Miguel Arroyo to accompany and assist them in the capacity of secretary and interpreter, which confidence he likewise deserves from me.

In faith of which, I have caused these presents to be made, and signed them with my hand, and affixed the national seal thereto, and have caused them to be countersigned by the secretary of state, and foreign as well as internal relations.

Done in the federal palace of Mexico, the twenty-seventh day of the month of August, in the year one thousand eight hundred and forty-seven, and twenty-seventh of the independence.

[L. S.] ANTONIO LOPEZ DE SANTA ANNA.

J. R. PACHECO.

Project of a treaty presented by the American commissioner at Atzcapuzalco, on the 27th day of August, 1847.

Projet presented by Mr. Trist.

The United States of America and the United Mexican States, desirous of terminating the war which has unhappily subsisted between the two republics, and of restoring peace, friendship, and good understanding between them, have, for that purpose, appointed their respective plenipotentiaries, that is to say: the President of the United States has appointed Nicholas P. Trist, &c., &c., and —— ——, who, after a reciprocal communication of their respective full powers, have agreed upon the following resolutions:

ARTICLE 1. There shall be a firm and universal peace between the United States of America and the United Mexican States, and between their respective countries, territories, cities, towns, and people, without exception of places or persons. All hostilities, both by sea and land, shall definitively cease so soon as the ratifications of this treaty shall have been exchanged by the parties.

ARTICLE 2. All prisoners of war, taken on either side, as well by land as by sea, shall be restored as soon as practicable after the exchange of the ratifications of this

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treaty. (Besides, it is agreed that if any Mexican citizens should be prisoners of the Cumanches, or of any tribes of Indians within the limits of the United States, the government of the United States will endeavor to obtain their return to their homes, according to the treaties existing with those Indians.)

ARTICLE 3. So soon as the present treaty shall have been duly ratified by the United Mexican States, this fact shall be made known with the least possible delay to the military and naval commanders of both parties, whereupon a suspension of hostilities shall take place both by land and by sea, as well on the part of the military and naval forces of the United States, as on the part of those of the United Mexican States; and the said suspension of hostilities shall be inviolably observed on both sides. Immediately after the exchange of the ratifications of the present treaty, all the forts, territories, places, and possessions whatsoever, taken by the United States from the United Mexican States during the war, except such as are embraced within the limits of the United States as defined by the fourth article of this treaty, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty. And, in like manner, all the forts, territories, places, and possessions whatsoever, taken by the United Mexican States from the United States during the war, and also all such forts, territories, places, and possessions embraced within the limits of the United States under the fourth article of this treaty, shall be restored, evacuated, and delivered over to the United States without delay, and without causing any destruction, or carrying away any of the artillery, or other public property, from said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty.

ARTICLE 4. The boundary line between the two republics shall commence in the gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande; from thence up the middle of that river, to the point where it strikes the southern line of New Mexico; thence westwardly along the southern boundary of New Mexico, to the southwestern corner of the same; thence northward along the western line of New Mexico, until it intersects the first branch of the river Gila, or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch; and thence in a direct line to the same, and down the middle of said branch and of the said river, until it empties into the Rio Colorado; thence down the middle of the Colorado

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and the middle of the gulf of California, to the Pacific ocean.

ARTICLE 5. In consideration of the extension of the boundaries of the United States, as defined by the last preceding article, and by the stipulations which will appear in article No. 8, the United States abandon forever, all claims against the United States of Mexico, on account of the expenses of the war; the United States agree to pay to the United Mexican States, at the city of Vera Cruz, the sum of ——— dollars, in five equal instalments, each of ——— dollars; the first instalment to be paid immediately after this treaty shall have been duly ratified by the government of the United Mexican States.

ARTICLE 6. As a further consideration [of article No. 4] for the extension of the boundaries of the United States as defined by the fourth article of this treaty, the United States agree to assume and pay to the claimants all the instalments now due, or hereafter to become due, under the convention between the two republics, concluded at the city of Mexico, on the 30th day of January, 1843, "further to provide for the payment of awards in favor of claimants under the convention between the United States and the Mexican republic, of the 11th April, 1839;" and the United States also agree to assume and pay, to an amount not exceeding three millions of dollars, all claims of citizens of the United States, not heretofore decided against the government of the United Mexican States, which may have arisen previous to the 13th of May, 1846, and shall be found to be justly due, by a board of commissioners, to be established by the government of the United States, whose awards shall be final and conclusive; provided, that in deciding upon the validity of these claims, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention concluded at the city of Mexico, on the 20th day of November, A. D. 1843; and in no case shall an award be made in favor of any claim not embraced by these principles and rules. And the United States do hereby forever discharge the United Mexican States from all liability for any of the said claims, whether the same shall be rejected or allowed by the said board of commissioners.

ARTICLE 7. If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents in the possession or power of the government of the United Mexican States shall be deemed necessary to the just decision of any of said claims, the commissioners, or the claimants, through them, shall, within such period as Congress may designate, make a demand

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in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the said books, records, or documents in their possession or power, which shall be specified, to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners, provided, that no such demand shall be made at the instance of any claimant, until the facts which it is expected to prove by such books, records, or documents shall first have been stated under oath or affirmation.

Article 8. The government of the United Mexican States hereby grant and guaranty, forever, to the government and citizens of the United States, the right to transport across the isthmus of Tehuantepec, from sea to sea, by any modes of communication now existing, whether by land or water, free of any toll or charges whatever, all and any articles the growth, produce, or manufacture of the United States, or of any foreign country belonging to the said government or citizens; and also the right of free passage over the same to all citizens of the United States. And the government of the United Mexican States also grant and guaranty to the government and citizens of the United States the same right of passage for their merchandise and articles aforesaid, as well as for such citizens, over any railroad or canal which may hereafter be constructed across the said isthmus by the government of the United Mexican States, or by its authority, paying no more than fair and reasonable tolls for the same; and no higher tolls and charges shall be levied and collected upon any of the before-mentioned articles and merchandise belonging to the government or citizens of the United States, or upon the persons of such citizens, for passing over the said railroad or canal, than shall be levied and collected upon like articles and merchandise belonging to the government or citizens of Mexico, being the growth, produce, and manufacture, of Mexico, or of any foreign country, or upon the persons of such citizens; and none of the said articles whatever, belonging to the government or citizens of the United States, thus passing in transit over the said isthmus, from sea to sea, either by the existing modes of communication or over any railroad or canal which may hereafter be constructed, in either direction, for the purpose of being transported to any port of the United States, or of any foreign country, shall be liable to any import or export duty whatever. The two governments hereby engage, with as little delay as possible, mutually to agree upon such regulations as may be necessary to prevent fraud and smuggling in conse-

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quence of the right of passage thus granted and perpetually guarantied to the government and citizens of the United States.

ARTICLE 9. All goods, wares, or merchandise which shall, during the war, have been imported into any of the ports or places of either party whilst in the military occupation of the other, by the citizens of either, or by the citizens or subjects of any neutral power, shall be permitted to remain exempt from confiscation, or from any tax or duty upon the sale or exchange of the same, or upon the withdrawal of the said property from the country; and the owners thereof shall be permitted to sell and dispose of the said property in the same manner, in all respects whatever, as if it had been imported into the country in time of peace, and had paid the duties under the laws of either party, respectively.

ARTICLE 10. The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the 3d day of April, A. D. 1831, between the United States of America and the United Mexican States, and every article thereof, with the exception of the additional article, are hereby revived for the period of eight years from the day of the exchange of the ratifications of this treaty, with the same force and virtue as if they made part of the context of the same; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE 11. This treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the United Mexican States, with the previous approbation of their general Congress; and the ratifications shall be exchanged in the city of Washington, within six months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate at the day of , A. D. one thousand eight hundred and forty-seven.

Instructions to the Mexican commissioners, founded on the projet presented by Mr. Trist.

At a cabinet meeting held on the 29th of August, 1847, the propositions made by the commissioner of the United States were discussed, and it was resolved to give the following instructions to the commissioners of the Mexican government:

1st. Before the negotiation is opened, it is highly ne-

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cessary that the Mexican commissioners should fix for a basis the causes of the war provoked by the United States against the republic of Mexico; or, to be more clear, that the commissioner of the United States shall frankly declare the motives of the war, and the ends for which it is prosecuted. He must not be excused for withholding this information, which is exacted by the Mexican government. *If he should refuse to give it, let it be so made to appear.*

2d. Are the pretensions of the United States founded upon the right of force, or on pure friendly negotiations? *Do. do.*

3d. The first question to be treated, after the points above expressed, shall be, whether Texas ought to remain in the power of the United States by the right of annexation, as is alleged, or by a contemplated purchase of the land from the republic of Mexico. *Do. do.*

The Mexican government does not recognize any other title than that of negotiation. Upon this subject the Mexican commissioners will know how to develop the question in a manner calculated to promote the national rights and interests, and it is left to their wisdom to fix this point in the way they may esteem convenient. It is supposed they know that if greater advantages cannot be drawn from the territory of Texas, they must adopt the opinion of the government, who believes that no further concession shall be made than the limits of Texas as known and recognized: they do not pass the river Nueces, which is the natural boundary of Texas; and in no manner does its limits reach to the river Bravo. In ceding Texas, our commissioners should at least derive this advantage from the United States—that they release Mexico from all debts adjudicated, as well as those to be adjudicated and liquidated, which release will be considered as an equivalent for entering into negotiation; but the United States shall pay for the land one-half the price established by their own laws for the sale of lands. In this case, the two contracting parties must oblige themselves to leave the space of ten leagues on each side of the boundary line, and throughout its whole extent, which shall be considered as neutral territory, and remain as a desert between the two countries, by which they will mutually avoid all disputes or difficulties. A joint scientific commission shall be formed to establish the dividing line.

4th. If the United States commissioner should make any movement in relation to the island known as that of P. Vagin, the Mexican commissioners will sustain that it should remain neutral, with a view to obviate all future differences that might arise from it.

5th. In respect to the territory of New Mexico and

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California, they will absolutely refuse to cede all or any part of those lands, that being a question entirely foreign to the question of Texas. Mexico does not wish to divest herself of that integral part of the nation; nevertheless, the commissioners will make the commissioner of the United States declare by what right, or with what intention, the government of the United States has included in its pretensions New Mexico and California. *If he is unwilling to state it, let it so appear.*

6th. As a last resource, after having discussed the right of Mexico to the soil which they desire to emancipate from her, they may solely accede to the establishment of a factory in the port of San Francisco. If such are their pretensions, but with such restrictions that Mexico can never be accused of having divested herself of that port, or her actual right of dominion over it, this should, if possible, be limited to a definite time, and must then cease unless renewed by new treaties every eight years; in consideration of which the United States must pay a sum not less than a million of dollars, and a like sum for each and every renewal of this privilege, as an acknowledgment that the right rests in Mexico.

7th. As regards the privilege solicited by the government of the United States to navigate the river Tehuantepec, or to traffic upon any way or road that may be established between the two seas, the government of Mexico absolutely denies or refuses to concede any such right. As a last resource, it may be said that the government of Mexico will take into consideration the friendly relations which may hereafter be shown by the government of the United States towards the republic of Mexico; and in proportion to the confidence which its conduct may inspire, it will have no occasion to doubt the reciprocity of the Mexicans on the same terms as manifested to other nations, and never as Mexico.

8th. The Mexican government cannot in any manner consent to exempt from the payment of duties merchandise introduced into its ports from the United States or any other nation, since the occupation of said ports by the forces of the United States, and the absolute condition upon which they may be taken into the interior will be, the payment of the duties in conformity with the tariff of the nation. Indeed, it is too much condescension in the Mexican government to have exempted them from sequestration, which would be the case by our last laws upon the subject. In case the United States are compromised with the importers, they must pay the duties of importation according to our tariff, and the importer shall pay the internal, consumption duties, &c.

9th. The government of the United States ought to promise to withdraw all their forces, both land and naval, as soon as these preliminaries of peace are signed by

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both parties, which preliminaries will remain subject to the ratification of the Mexican Congress, as required by the constitution of the country.

10th. When the troops of the United States evacuate the Mexican territory, they must deliver the fortresses which they occupy in the same state as when they took possession of them; that is, with the same cannon and armament, replacing what they may have destroyed.

11th. Our commissioners will insist upon indemnification for the ruined fortunes of Mexicans by the troops of the United States, and will exercise all their ability to obtain from that government a promise to hear and ratify the reclamations that may be made on the subject.

They shall in like manner pay the expenses of the war, which Mexico has been forced to make, and which she did not provoke.

MEXICO, *August* 30, 1847.

Antonio Lopez de Santa Anna, general af division, well deserving of the country, and president ad interim of the United States of Mexico, to all who may see these presents: Know ye—

Full powers of the Mexican commissioners.

That the most excellent general of division and member of congress, General D. Jose Joaquin de Herrera, licentiate D. Jose Bernardo Couto, likewise a member of congress, brigadier general D. Ignacio Mora y Villamil, and the licentiate D. Miguel Atristain, were nominated and appointed commissioners to hear the propositions of peace made by the United States of America through Mr. Nicholas Trist: I now amplify and extend their commission to confer and to treat with the aforesaid Mr. Nicholas P. Trist upon the contents of those propositions, giving and conferring upon them for that purpose full and necessary powers, in virtue of the confidence which they deserve for their notorious illustration and accredited patriotism, under this condition, that all they may treat and agree upon shall be subject to the approval and ratification required by the constitution. At the same time, I authorize D. Miguel Arroyo to accompany and assist the aforesaid commissioners in the capacity of secretary and interpreter.

In faith of which, I have ordered these presents to be made out, signed by my hand, authorized by the national seal, and countersigned by the secretary of state, and of the office of domestic and foreign relations, in the federal palace of Mexico, this thirtieth day of the month of August, year of our Lord one thousand eight hundred and forty-seven, and twenty-seventh of independence.

[L. S.] ANTONIO LOPEZ DE SANTA ANNA.

J. R. PACHECO.

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Letter transmitting the foregoing full powers and instructions.

I have the honor to rémit to your E. and V. SS. the plenary power which the most excellent Sor. President *ad interim* of the republic has been pleased to confer upon you, in order that in your character of commissioners you may treat with the commissioner of the United States of America upon the propositions of peace he has presented. I likewise have the honor to accompany this with instructions, to which you will subject yourselves in the execution of this interesting commission, with a full understanding that to nothing which exceeds the limits prescribed therein must your EE. agree to or sign, without having first solicited, and received through this ministry, authority so to do. You will be careful to inform this ministry of everything which may be pretended or exacted by the United States against the tenor of the aforesaid instructions, which you must in no case ostensibly use in your discussions with the commissioner of that republic.

I repeat to your excellencies the assurance of my particular consideration and esteem.

God and liberty! Mexico, August 30, 1847.

PACHECO.

To the Most Ex. Sors. D. José Joaquin de Herrera, D. Jose Bernardo Couto, General D. Ignacio Mora y Villamil, and D. Miguel Atristain.

[The Mexican commissioners decline to act under those instructions.

Most excellent sir: Having examined the basis and the instructions which accompanied your excellency's note of this morning, authorizing us to proceed with the negotiation which has been opened with the minister of the United States, we believe it to be our duty at once to make known to the supreme government, with the frankness of honorable men, that upon said basis and instructions it is impossible for us to encharge ourselves with the negotiation, because we find ourselves without the necessary capacity to execute or fulfil them properly. We pray, then, that the supreme government will be pleased to consider the plenary powers with which we have been invested as not accepted on our part.

God and liberty! Mexico, August 31, 1847.

JOSE J. HERRERA.
BERNARDO COUTO.
IGNACIO MORA Y VILLAMIL.
MIGUEL ATRISTAIN.
JOSE MIGUEL ARROYO,
Secretary.

To the Most Ex. Minister of Relations.

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I laid before the most excellent Sor. President your official note of this morning, renouncing the commission which he had conferred upon you to treat with the commissioner of the United States upon the basis and instructions which accompanied my communication of yesterday. His excellency, after the conference had with you yourselves, and with his cabinet council, resolved to amplify the instructions in this sense, viz: that you approximate to them as much as may be possible; agreeing to some modifications which the circumstances of the country may exact, as well as things of minor importance which may arise during the discussion. In a word, the supreme government has chosen your excellencies, who have many times been chosen by the nation, in consequence of its knowledge of your illustration and patriotism, and in your hands it places the honor and interests of our country.

The restrictions upon the Mexican commiss'ers withdrawn after a conference held with them in council of ministers.

God and liberty! Mexico, August 31, 1847.

PACHECO.

To the Most Ex. Sors. D. Jose Joaquin de Herrera, D. Bernardo Couto, D. Ignacio Mora y Villamil, and D. Miguel Atristain.

The Mexican Commissioners to Mr. Trist.

[Translation.]

House of Alfara, on the Chapultepec Causeway, *September* 6, 1847.

Note from the Mexican commissioners to Mr. Trist, accompanying counter projet.

The undersigned, commissioned by the government of the Mexican republic to concert with your excellency an arrangement for peace, on placing in your hands the counter-projét which they have framed conformably to the last instructions of their government, think proper to accompany it with the observations contained in this note, which will tend to place in a clearer light the pacific disposition of Mexico in the contest which unfortunately separates both countries. The 4th article of the projét which your excellency was pleased to deliver to us on the 27th of August last, and which has been the subject of our latter conferences, relates to the cession, on the part of Mexico, 1st, of the State of Texas; 2d, of the territory on this side of the limits of that State, extending to the left bank of the Bravo and to the southern frontier of New Mexico; 3d, of all New Mexico; 4th, of the two Californias.

The existing war has been undertaken solely on account of the territory of the State of Texas, respecting

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which the North American republic presents as its title the act of the said State by which it was annexed to the North American confederation, after having proclaimed its independence of Mexico. The Mexican republic offering (as we have informed your excellency) to consent, for a proper indemnification, to the pretensions of the government of Washington to the territory of Texas, the cause of the war has disappeared, and the war itself ought to cease, since there is no warrant for its continuance. To the other territories mentioned in the 4th article of your excellency's draught, no right has heretofore been asserted by the republic of North America, nor do we believe it possible for it to assert any. Consequently, it could not require them to accept by the right of conquest, or by the title which will result from the cession or sale which Mexico might now make. But, as we are persuaded that the republic of Washington will not only absolutely repel, but will hold in abhorrence the first of these titles, and as, on the other hand, it would be a new thing, and contrary to every idea of justice, to make war upon a people for no other reason than because it refused to sell territory which its neighbor sought to buy, we expect from the justice of the government and people of North America that the ample modification which we have to propose to the cession of territory, (beyond that of the State of Texas,) contemplated by the said article 4, will not be a motive to persist in a war which the worthy general of the North American troops has justly styled as *unnatural*.

In our conferences, we have informed your excellency that Mexico cannot cede the belt which lies between the left bank of the Bravo and the right of the Nueces. The reason entertained for this, is not alone the full certainty that such territory never belonged to the State of Texas, nor is it founded on the great value, in the abstract, which is placed upon it. It is because that belt, together with the Bravo, forms the natural barrier for Mexico, both in a military and a commercial sense; and the barrier of no State ought to be sought, and no State can consent to abandon its barrier. But, in order to remove all cause for trouble hereafter, the government of Mexico engages not to found new settlements or establish colonies in the space between the two rivers; so that, remaining in its present uninhabited condition, it may serve as a safeguard equally to both republics. Pursuant to our instructions, the preservation of this territory is a condition *sine qua non* of peace. Sentiments of honor and delicacy, (which your excellency's noble character will know how worthily to estimate,) even more than a calculation of interest, prevent our government from consenting to the dismemberment of New Mexico. Upon this point we

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deem it superfluous to add anything to that which we had the honor to explain to you orally in our conferences.

The cession of Lower California, which would be of little advantage to the republic of North America, offers great embarrassments to Mexico, considering the position of that peninsula opposite to our coast of Sonora, from which it is separated by the narrow gulf of Cortes. Your excellency has appreciated our remarks on this point, and we have been gratified to see that you have yielded to them. The preservation of Lower California would be enough to make it indispensable to keep a part of Upper California; for, otherwise, that peninsula would be without any communication by land with the rest of the republic, which is always a great embarrassment, especially for a power like Mexico, which is not maritime. The grant which is offered by our government (for the proper equivalent) of that part of Upper California which extends from the 37th degree upwards, not only allows to the United States the acquisition of an excellent coast, of fertile lands, and also of untouched mines, but also presents to it the advantage of extending to that limit its Oregon possessions. The wisdom of the government of Washington, and the praiseworthy industry of the American people, will know how to draw rich fruits from the important acquisition which we now offer.

In the 8th article of your excellency's draught, the grant of a free passage across the isthmus of Tehuantepec to the South Sea is sought in favor of the North American citizens. We have orally explained to your excellency that, some years since, the government of the republic granted to a private contractor a privilege, with reference to this object, which was soon transferred, with the sanction of the same government, to English subjects, of whose rights Mexico cannot dispose. Therefore, your excellency will not wonder that upon this point we do not accede to the desires of your government.

We have entered into this plain statement of the motives which the republic has for not agreeing to alienate all the territory asked of it beyond the State of Texas, because we desire that the North American government and people may be persuaded that our partial refusal does not proceed from feelings of aversion created by the antecedents in this war, or by the sufferings which it has inflicted upon Mexico, but rests upon considerations dictated by reason and justice, which would operate at any time with reference to the most friendly nation, although our relations of friendship with her might be of the closest character. The other changes which your excellency will find in our counter draught are of minor

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moment, and we believe that there will be no serious objection to them. The subject contained in the 12th article has before now been mentioned in your excellency's country. We flatter ourselves, from the integrity of your government, that it will not refuse to contract an engagement so conformable to honor and that good harmony in which two neighboring people ought to live.

The peace between both countries will be established with greater solidity if a friendly power, (England,) which has so nobly offered its good offices to Mexico and the United States in the present contest, will now offer to grant its guarantee for the faithful fulfilment of the treaty which may be concluded. The Mexican government understands that it would be very proper to solicit this guarantee.

Our government directs us to recommend to your excellency that you will be pleased to communicate your decision upon the counter draught, which we have the honor to present to you, within three days.

The good and salutary work can, in our opinion, reach a happy end, if each of the contending parties resolves to abandon some of its original pretensions. This has always been the case; and no nation ever hesitated, at such a juncture, to make great sacrifices to extinguish the destructive flame of war. Mexico and the United States have special reasons thus to act. We must confess, not without a blush, that we are exhibiting to mankind the scandal of two christian nations, of two republics, in the presence of all the monarchies, mutually doing to one another all the harm we can by disputes about boundaries, when we have an excess of land to people and to cultivate, in the beautiful hemisphere where Providence caused us to be born. We venture to commend these considerations to your excellency, before you come to a definite decision upon our propositions.

We consequently do curselves the honor to offer you our devotion and respect.

JOSE J. DE HERRERA,
BERNARDO COUTO,
IGNACIO MORA Y VILLAMIL,
MIGUEL ATRISTAIN.

To His Excellency Don NICHOLAS TRIST,
Deputed with full powers by the government of the United States to the government of the Mexican republic.

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[Translation.]

COUNTER PROJECT.

Mexican counter project.

1st. There shall be firm and universal peace between the United States of America and the Mexican republic, and their respective territories, cities, towns, and villages, not excepting persons or places.

2d. All the prisoners of war made on either side, whether by sea or land, shall be released immediately after the signing of the present treaty. It is also agreed that, if any Mexicans are now captives in the power of any Indian tribe within the limits ceded by the 4th article to the United States, the government of said United States shall exact their release, and that they be restored to liberty and to their homes in Mexico.

3d. Immediately after the exchange of the ratifications of this treaty, all the forts, places, and possessions, which may have been taken or occupied during this present war, within the limits fixed by the 4th article for this republic, shall be restored to the Mexican republic. In like manner shall be restored the artillery, arms, and ammunition that were in the castles and strongholds when they fell into the power of the troops of the United States. With respect to the artillery taken outside of said castles and fortified places, that which is still in the power of the United States troops shall be returned to Mexico at the date of the signing of the present treaty.

4th. The dividing line between the two republics shall commence in the gulf of Mexico, three leagues from land, opposite the southern mouth of the bay of Corpus Christi; shall run in a straight line from within the said bay to the mouth of the river Nueces; thence through the middle of that river, in all its course, to its source; from the source of the river Nueces shall be traced a straight line until it meets the present frontier of New Mexico, on the east-southeast side; it shall then follow the present boundary of New Mexico on the east, north, and west, until this last touches the 37th degree; which will serve as limit for both republics, from the point in which it touches the said frontier of the west of New Mexico to the Pacific ocean. The government of Mexico promises not to found any new settlements or establish colonies in the tract of land which remains between the river Nueces and the Bravo del Norte.

5th. As a just compensation for the extension of their old limits, which the United States acquire by the previous article, the government of said United States is bound to pay over to the republic of Mexico the sum of

, which shall be placed, in the city of Mexico, at the disposal of the said government of the Mexican re-

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public, in the act of exchanging the ratification of this treaty.

6th. The government of the United States is further bound to take upon itself, and satisfy fully, the claimants to all the instalments [cantidades] which are due up to this time, and may become due in future, by reason of the claims now liquidated, and decided against the Mexican republic, agreeably to the conventions arranged between the two republics on the 11th of April, 1839, and 30th of January, 1843, in such manner that the Mexican republic shall have absolutely no further payment to make on account of the said claims.

7th. The government of the United States is also bound to take upon itself, and pay fully, all the claims of its own citizens, not yet decided, against the Mexican republic, whatever may be the title or motive from which they may proceed, or on which they are founded; so that, from the date of the exchange of the ratifications of the present treaty, the accounts of every kind that exist, or may be supposed to exist, between the government of Mexico and the citizens of the United States, shall remain settled definitively and forever.

8th. In order that the government of the United States may be able to satisfy, in observance of the previous article, the claims not yet decided of its citizens against the Mexican republic, there shall be established by the government of the said United States a tribunal of commissioners, whose decision shall be conclusive and definitive; provided, that on deciding upon the validity of any demand, it may be adjusted by the principles and rules which were established in the articles 1st and 5th of the convention (not ratified) which was concluded in Mexico on the 20th November, 1843; and in no case shall a decision be given in favor of any claim which is not adjusted pursuant to the aforesaid rules. If the tribunal of commissioners deem it necessary, for the just decision of any demand, to examine books, registers, or documents which are in the power of the Mexican government, the government of the United States shall make application for them, and either the originals or faithful copies shall be sent to it for the purpose of being, as they may, communicated to the said tribunal; it being understood that there shall not be made by the government of the United States any application for the said books, registers, or documents, until it shall be specified, in each case, under oath, or with judicial sanction on the part of the claimant in the case, the facts sought to be proved with such books, registers, or documents.

9th. All the temples, houses, and edifices, dedicated to the rites or exercises of the Catholic worship, in territories belonging hitherto to the Mexican republic, and which, by the 4th article of this treaty, will be within

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the limits of the United States, shall remain dedicated to the same rights and exercises of the Catholic religion, without any change, and under the special protection of the laws. The same shall be the case with all goods, moveable and immoveable, which within the said territories are dedicated to the support of the Catholic worship, or the support of schools, hospitals, and other establishments of charity or benevolence. Finally, the relations and communications of the Catholics living in the same territories with their respective ecclesiastical authorities, shall be frank, free, and without any embarrassment, even though the said authorities have their residence within the limits which remain subject to the Mexican republic in this treaty; nor shall there be any new demarkation of ecclesiastical districts, except conformably to the laws of the Catholic church.

10th. The Mexicans residing in territory heretofore belonging to Mexico, and now in the limits of the United States, may at any time return to the Mexican republic, preserving in the said territory the property they possess; may transfer and convey its value wherever it suits them, without, on this account, being liable to the exaction by the United States of any kind of contribution, tax, or impost. If the persons here treated of prefer to remain in the territories they now inhabit, they may preserve the title and rights of Mexican citizens, or at once acquire the title and rights of citizens of the United States, if they wish it; but in all cases they and their property shall enjoy the most ample security.

11th. All the grants of lands made by Mexican authorities, in territories belonging heretofore to the republic, and by this treaty to be for the future within the limits of the United States, shall be valid and permanent, and shall be sustained and guarded forever by the government of the said United States.

12th. The republic of the United States promises solemnly not to permit hereafter the annexation of any district or territory comprehended in the limits which, by the present treaty, are assigned to the Mexican republic. This solemn agreement has the character of a condition from the territorial cessions which Mexico now makes to the republic of North America.

13th. All goods now in the Mexican ports occupied by the North American troops, shall pay the duties established by the tariff of the Mexican republic, provided they have not before paid duties to that republic; but they shall not incur the penalty of confiscation.

14th. The government of the United States shall satisfy, according to just terms, the claims of Mexican citizens for the injury sustained in their interests by the North American troops.

The present treaty shall be ratified, &c., &c.

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New instructions to the Mexican commissioners, founded on the offer made to them by Mr. Trist on the 2d of September.

Most Excellent Sirs: The supreme government has taken into consideration the verbal information which you have given to it in relation to the conferences held with the commissioner of the United States, and has examined the draught of the article upon limits, which he presented to you, offering that if it was accepted by Mexico, he would consult his government thereupon, because he cannot, alone, in conformity with his actual instructions, relinquish the territory situated between the Bravo and Nueces.

Having examined, anew, the question under every aspect in which it can be viewed, it has been resolved in cabinet council that I should say to your excellencies, as I now do, that, unless that proposition is modified upon the recognized right of Mexico to deliberate, and if the pretensions of the United States are not characterised as subjects for negotiation, then its commissioner leaves no other resource to the government of Mexico, than those suggested by honor; and those are, to close the door to every possibility of making a peace.

To restore this great good to the nation, the government yielded to cede Texas, and a part of Upper California, on the frontier of Oregon, upon the terms mentioned to you in your instructions, but not with the reservation that, even if approved by Congress, would the government cede any more, much less of New Mexico, whose inhabitants have manifested their will to make a part of the Mexican family, with more enthusiasm than any other part of the republic. Those well-deserving Mexicans have been, by some administrations, abandoned to their fate; very frequently without protection; not even shielded from the incursions of the savages. Yet, notwithstanding all this, they have been the truest Mexicans, and most faithful patriots; forgetting their private grievances, they at this time remember only that they are, and wish to, belong to the Mexican family, exposing themselves to be sacrificed to the vengeance of their invaders, against whom they have raised. When their plans were discovered and disconcerted, their conspirators frustrated, they have not ceased to conspire. Could the government go to sell Mexicans like these as they would a herd of sheep? No! Before the nationality of the rest of the republic shall be lost to them, we will all perish together.

This is not to decide upon questions of enlarged policy with pride or affected nobleness; the statesman who is called to act upon great questions of policy, should possess no other qualification than that of cold calculation. The government knows very well the vicissitudes of nations; and that, in all the earth, there is not one to be found in the primitive condition in which it

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was, nor as depicted in the first years of its history. But in the eyes of the cabinets of Europe, pretensions to increase territory are esteemed unjust, when made at the expense of wounding respectable and resisting nationality. It is true, that our fellow citizens might be able to remain in their country, and preserve their property and nationality; but then it would be said of them what might be said of all Mexicans—that is, that they remain strangers in their own country; and if it awakens horror to make such a proposition to all Mexicans, the same effect will be produced by accepting it for a part of them. They might, it is true, return to the dominions that remain to their country, having first sold their property at an advance upon its present value; and if they wish, it might be augmented from the national domain, and repair the damage attendant on breaking up and moving, out of the price of indemnity given by the United States; but it is not the government of Mexico that will place a price upon the adhesion of its citizens to the soil upon which they were born. . . .

These considerations have increased force when applied to the possession of the river Bravo; because it is not alone the existence of our system of revenue that is menaced thereby; but, likewise, the nationality of the residue of the republic, for whose destruction ten years would suffice, when we take into view the spirit of enterprise and inundation which pervades our neighbors, and contrast it with the state of infancy in which we find ourselves.

If the commissioner of the United States cannot, under his instructions, prescind from this pretension, neither can the government of Mexico consent to prolong the armistice for forty-five days for him to consult with the government at Washington.

Although an indemnification is offered for the territory to which they advance pretensions, although they may, and do, allege (with or without reason) the rights of war, and let these rights be valued at all they are worth in this country, it is Texas alone. The government cannot comprehend how the United States can exact these humiliating sacrifices, as conditions to make a peace, after so many protestations that it would be equitable and honorable. If their right is that of force, and they believe themselves sufficiently strong to take and keep possession of the territory which they say they wish to purchase, how can they, in good faith, call it equitable and honorable to have thrust themselves into a territory that does not belong to them, desolating its cities and killing our citizens, who have in nothing offended them, and come to the capital to force us to make a sale? In view of these considerations, the govern-

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ment will not stop to calculate the elements of the nation to continue the war; its duty is to prosecute it with the means it can command.

In New Mexico, and the few leagues which divide the right bank of the Nueces from the left bank of the Bravo, is contained either peace or war. If the commissioner of the United States leaves nothing else to the government of Mexico than to choose between this cession and death, in vain was he sent by his government; he might long since have ascertained what would be the answer.

If the United States have made their election, and prefer violence and our humiliation, they will be held responsible before God and the world.

I say this to your excellencies by order of the most excellent Sor. president, offering you my distinguished consideration.

God and liberty! Mexico, September 5, 1847.

J. R. PACHECO.

To the Sors. D. Jose Joaquin de Herrera, D. Bernardo Couto, D. Ignacio Mora y Villamil, and D. Miguel Atristain.

Most Excellent Sir: Although we daily informed the supreme government of what occurred in our conferences with Mr. Nicholas Trist, commissioner with plenary powers from the United States, we think it proper to report in writing the substance of what was orally communicated.

On the afternoon of the 27th August last, we met for the first time in the town of Atzcapuzalco. On the exchange of powers, we found those of Mr. Trist most ample to settle all existing differences between Mexico and the United States, to fix the limits of both countries, and adjust definitively a peace. Ours were restricted to receive the propositions of his government, if they were reduced to writing; and if made verbally, to reduce them to writing, with his approval. As Mr. Trist made some observations upon the limitation of our powers, we satisfied him by observing that when the time came to treat, we would present a complete authority. He immediately delivered to us the project of a treaty, which we that same night placed in the hands of the president. In conclusion, Mr. Trist proposed to us to select for the place of our future meeting a country house, of which he spoke, situated in the vicinity of Chapultepec, less distant from Tacubaya, where he resided, and from Mexico, where we were. We promised to take notice of

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the place designated, and adjourned to meet again the following day.

The next conference was confined to the subject of the country house he had selected (vulgarly called the inquisitor Alfaro.) We informed him that we approved of it, and we fixed upon Wednesday, the 1st instant, for our third meeting, the two intermediate days being required by the government to maturely examine the projét, to resolve what action was required upon it, and to make out the instructions by which we were to be guided.

On Wednesday we exhibited to him the full powers conferred upon us by the supreme government, and we entered into a long and calm discussion with Mr. Trist upon the capital points of the projét, which was continued all through the next day (Thursday.) We have given to the supreme government the details. The point on which the negotiations then rested was this: Mr. Trist showed himself disposed to abandon his first pretensions upon Lower California and upon a part of the Upper, in order that Lower California might be able to communicate by land with Sonora. He then offered, if no other point of difference remained to conclude a peace than that relative to the territory between the Bravo and Nueces, he would consult his government—not without hope of a good exit. This step would cost a delay of more than forty days in the negotiation. But the cession of New Mexico on our part was a condition from which he could not depart, not even to submit it to a new consultation in Washington, for he was fully certain that his government considers it as a condition *sine qua non* of peace. The other points touched upon in the projét appeared to us reconcilable, if both parties should adopt terms of accommodation: such, at least, was the judgment we formed during the conferences.

The government being informed of all that took place, your excellency communicated to us its final resolution in your note of yesterday, in conformity with which, and approbation of the cabinet council, we immediately extended and delivered to Mr. Trist the same day the counter projét and note, copies of which are annexed, and numbered 1 and 2. Without any new discussion, he offered to reply to-day, which, in effect, he has done by an official note, of which No. 3 is a copy. That terminates the commission with which the supreme government was pleased to honor us, in a way contrary to what we sincerely desired, as well as endeavored to procure through the whole negotiation.

It now only remains for us to say, that in all our relations with Mr. Trist we found ample motives to appreciate his noble character; and if at any time the work

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of peace is consummated, it will be done by negotiators adorned with the same estimable gifts which, in our judgment, distinguish this minister.

God and liberty! Mexico, September 7, 1847.

JOSE J. DE HERRERA.
BERNARDO COUTO.
IGNACIO MORA Y VILLAMIL.
MIGUEL ATRISTAIN.

To the Most Excellent Sor. MINISTER OF RELATIONS.

Correspondence between the general-in-chief of the army of the United States and the supreme government of the republic of Mexico.

HEAD-QUARTERS, ARMY OF THE U. S. OF AMERICA,
September 6, 1847.

Gen. Scott to the President of Mexico, announcing termination of armistice.

SIR: The article 7th, as well as the 12th, *which stipulate that the traffic or commerce shall on no account be interrupted*, of the armistice or military convention which I had the honor to ratify and exchange with your excellency on the 24th of August last, have been repeatedly violated soon after the armistice was signed on the part of Mexico; and I now have very good reason to believe that within the last forty-eight hours, if not before, the 3d article of the convention was in like manner violated by the same party. These direct attacks on good faith gives to this army full right to open hostilities against Mexico without previous announcement; but I concede the time necessary for explanation, ratification, and, if possible, reparation. On the contrary, I now declare formally that if I do not receive complete satisfaction for all these charges before 12 o'clock to-morrow, I will consider the aforesaid armistice as terminated after that hour.

I have the honor to be your excellency's obedient servant,

WINFIELD SCOTT.

To his excellency the PRESIDENT
AND GENERAL-IN-CHIEF OF THE REPUBLIC OF MEXICO.

A copy of the translation.—Mexico, September 7, 1847.
JOSE DE ROMERO.

HEAD-QUARTERS ARMY OF THE REPUBLIC OF MEXICO,
Mexico, September 7, 1846.

Reply of the President.

SIR: By the note of your excellency of this date, I learn, with surprise, that you consider the articles 7, 12,

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and 3, of the armistice, have been violated by the civil and military authorities of Mexico.

The civil and military authorities of Mexico have not impeded the entrance of provisions to the American army; and if at any time its remittance was retarded, it has been precisely on account of the imprudence of the American agents; who, without having previously agreed with the aforesaid authorities, have given rise to a popular effervescence which cost the Mexican government much trouble to repress. Last night, and the night previous, the escorts were ready to conduct provisions; and if the extraction was not verified, it was because Mr. Hargous did not wish it. The order given to suspend traffic between the two armies was directed to private persons, and not to the agents of the army of the United States; it was reduced to that sole object, with a view to give more expedition to the traffic. In exchange for this conduct, your excellency has prohibited the owners and administrators of wheat-mills in the vicinity of Mexico to bring flour into the city, which has opened a wide breach in that good faith which your excellency promised to me.

It is false that any new work of fortifications has been undertaken, because some trifling repairs were necessary to re-establish them in the state in which they were the day of the armistice, or because casualties or momentary convenience had caused the destruction of pre-existing works. I acquired very early notice of the establishment of a masked battery behind the garden wall of Garay, in that village, and made no reclamation, because the peace of two great republics should not be made dependent on things grave themselves, but of little value in respect to the result in which all the friends of humanity are interested, as well as the felicity of the American continent.

I have, with pain and indignation, received communications from the cities and towns occupied by the army of your excellency, upon the violation of temples consecrated to the worship of God; upon the robbery of the sacred vessels and profanation of the images venerated by the Mexican people. I have been profoundly afflicted by the complaints of fathers and husbands upon the violation of their wives and daughters. Those same cities and towns have been sacked, not only in violation of the armistice, but even of the sacred principles recognized and observed by civilized nations. I had guarded silence until now, for the purpose of not chilling a negotiation that gave hopes of terminating a scandalous war, which your excellency has justly characterized as unnatural. I will not persist in offering apologies, because the true and undisguisable cause of the rupture of hos-

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tilities with which you menace me is not hidden from me—it is, that I would not lend myself to subscribe a treaty that would not only considerably diminish the territory of the republic, but likewise that dignity and decorum which nations defend at every hazard.

If these considerations have not equal weight in the mind of your excellency, then you shall be responsible before the world, who will readily discover the party to whom moderation and justice belong. I flatter myself that your excellency, in the midst of a calm, will convince yourself of the force or foundation of these reasons; but if, unfortunately, you seek for nothing more than a pretext to deprive the first city on this continent of all means to save the innocent and defenceless part of its population from the horrors of war, there will remain for me no other means of saving it than to repel force by force, with that energy and decision which my high obligations prescribe.

I have the honor to be your excellency's most obedient servant,

ANTONIO LOPEZ DE SANTA ANNA.

Copy of the original.—Mexico, September 7, 1847.

JOSE D. ROMERO.

To his Excellency General WINFIELD SCOTT,
General-in-chief of the Army of the United States.

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[Enclosure No. 5. in despatch No. 16.]

CONTESTACIONES

HABIDAS

ENTRE EL SUPREMO GOBIERNO MEXICANO,

EL

GENERAL-EN-GEFE DEL EJERCITO AMERICANO,

Y EL COMISIONADO DE LOS ESTADOS UNIDOS.

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CUARTEL GENERAL DEL EJERCITO DE LOS E. U. DE AMERICA,
Coyoacan, Agosto 21 de 1847.

SOR: Demasiada sangre se ha vertido ya en esta guerra desnaturlizada entre las dos grandes repúblicas de este continente. Es tiempo que las diferencias entre ellas sean amigable y honorosamente arregladas, y sabe V. E., que un cómisionado por parte de los Estados Unidos, investido con plenos poderes para este fin, está con este ejército. Para facilitar que las dos repúblicas entren en negociaciones, deseo firmar en términos razonables un corto armisticio.

Quedo con impaciencia esperando hasta mañana por la mañana una respuesta directa á esta comunicacion; pero en el entretanto tomaré y ocuparé aquellas posesiones afuera de la capital, que considere necesarias al abrigo y comodidad de este ejército.

Tengo el honor de quedar con alta consideracion y respeto, de V. E. muy obediente servidor.

WINFIELD SCOTT.

A. S. E. el President
Y General-en-gefe de la República de Mexico.

MINISTERIO DE GUERRA Y MARINA, SECCION DE OPERACIONES.

SOR: El infrascrito ministro de guerra y marina del gobierno de los Estados Unidos Mexicanos, ha recibido órden del Exmo. Sr. Presidente, general-en-gefe, de contestar á la comunicacion de V. E., en que la propone la celebracion de un armisticio, con el fin de evitar mas derramamiento de sangre, entre las dos grandes repúblicas de este continente, oyendo las proposiciones que haga para el efecto, el comisiondo del Exmo. Sr. Presidente de los Estados Unidos de América que se halla en el cuartel general de su ejército.

Lamentable es ciertamente, que por no haber sido considerados debidamente los derechos de la república Mexicana, haya sido inevitable el derramamiento de sangre entre las primeras repúblicas del continente Americano, y con mucha exactitud califica V. E. de desnaturalizada esto guerra no solo por sus motivos, sino por los antecedentes de dos pueblos tan indentificados en relaciones y en intereses. La proposicion de un armisticio para terminar este escándalo, ha sido admitida con agrado por S. E. el Presidente, general-en-gefe, porque facilitará el que puedan ser escuchadas las proposiciones que para el término decoroso de esta guerra haga el señor comisionado del Presidente de los Estados Unidos de América.

En consecuencia me manda S. E. el Presidente, general-en-gefe, anunciar á V. E , que admite la proposicion de celebrar un armisticio y que para el efecto ha nombrado á los señores generales de brigada D. Ignacio Mora y Villamil, y D. Benito Quijano, quienes estarán en el lugar y hora que me anuncie.

Tambien me previene S E. el general Presidente, que comunique á V. E , su deferencia á que el ejército de los Estados Unidos tome cuarteles cómodos y provistos, esperando que estos se hallarán fuera del tiro de las fortificaciones Mexicanas.

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Tengo el honor de ser con alta consideracion y respeto de V. E. su mas obediente servidor,

ALCORTA.

Es cópia.—Mexico, Agosto 21 de 1847.

MANUEL MARIA DE SANDOVAL.

A. S. E. el General WINFIELD SCOTT,
En gefe del ejército de los Estados Unidos de América.

EXMO. SR. Testigos son todos los Mexicanos, pero muy especialmente los habitantes de esta capital, de los extraordinarios esfuerzos que ha hecho el Exmo. Sr. Presidente interino para reunir un ejército capaz de combatir con el de los Estados Unidos, y recuperar el brillo de las armas de la república: testigos son tambien de que ha combatido con denuedo esponiendo su propria vida, hasta el momento en que volviendo á serle esquiva la victoria, el enemigo se encuentra á las puertas de la ciudad.

En tales circunstancias y cuando los habitantes de la populosa México han hecho todo género de sacrificios para llevar adelante la guerra, es uno de los mas imperiosos deberes del primer magistrado, impedir los males irreparables de un asalto y evitar todas las consecuencias de una ocupacion violenta. A este fin, y haciendo uso de sus facultades constitucionales, arreglándose al acuerdo del congreso general comunicado en 16 de Julio anterior, ha dispuesto se oigan las proposiciones que por parte del gobierno de los Estados Unidos viene á hacer Don Nicholas Trist, y negociar que entretanto haya una suspension de armas.

Como el negocio es del mas grande interes para la república, el E. Sr. Presidente desea que el congreso nacional tome en él la parte que le corresponde, y al efecto me manda escitar á V. E. con el fin de que se sirva disponer se cite con el mayor empeño á los Sres. diputados para que se reunan en sesion á las doce del dia de hoy.

Reitero á V. E. las seguridades de mi distinguida consideracion. Dios y libertad! Mexico, Agosto 21 de 1847.

J. R. PACHECO.

Escelentísimo Sr. PRESIDENTE,
Del Soberano Congreso.

SECRETARIA DEL SOBERANO CONGRESO CONSTITUYENTE MEXICANO.

EXMO. SR.: Luego que recibí la nota de V. E. fecha de hoy, dispuse que se citase á los Sres. diputados; pero no habiéndose reunido hasta las tres de la tarde mas de veintiseis individuos, por hallarse muchos señores diputados fuera de esta capital, á virtud del acuerdo de 10 del presente se dispuso por la junta se hiciese nueva

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citacion á los que no han concurrido, y que se escitase al gobierno para que por mèdio de los Exmos. Sres. gobernadores de los Estados procurase la reunion del Congreso.

Tengo la satisfaccion de manifestarlo á V. E. en contestacion á su nota referida, y de reproducirle las protestas di mi aprecio.

Dios y libertad! México, Agosto 21 de 1847.

A. M. SALONIO.

Escelentísimo Sr. Ministro
De Relaciones Interiores y Esteriores.

Los infrascritos nombrados respectivamente, los dos primeros por el Exmo. Sr. Presidente de la república Mexicana, general-en-gefe de su ejército, Don Antonio Lopez de Santa Anna, y los tres segundos nombrados por S. E. el Mayor General de los Estados Unidos de América y en gefe de sus ejércitos, Winfield Scott, reunidos en Tacubaya el dia 22 de Agosto de 1847, despues de haberse mostrado sus plenos poderes para celebrar un armisticio entre ambos ejércitos, con el objeto de dar lugar al gobierno Mexicano para tomar en consideracion las proposiciones que tiene que hacerle el comisionado por parte del Exmo. Sr. Presidente de los Estados Unidos de América, han convenido en los artículos siguientes:

1°. Cesarán al instante y en lo absoluto, las hostilidades entre los ejércitos de los Estados Unidos Mexicanos, y los de los Estados Unidos del Norte América, en la comprension de treinta leguas de la capital de los primeros, para dar tiempo á que traten los comisionados nombrados por la república de los Estados Unidos, y los que se nombrem por parte de la de México.

2°. Continuará este armisticio todo el tiempo que los comisionados de ambos gobiernos estén ocupados en las negociaciones, ó hasta que el gefe de alguno de los dos ejércitos avise formalmente al otro de la cesacion de aquel, y con cuarenta y ocho horas de anticipacion, al rompimiento.

3°. En el entre tanto del armisticio, ninguno de los dos ejércitos comenzará en el distrito expresado de 30 leguas de la ciudad de México, ninguna fortificacion ni obra militar de ofenza ó defenza, ni hará nada para agrandar ó reforzar las obras ó fortificaciones existentes dentro de los expresados limites.

4°. Ninguno de los ejércitos será reforzado. Cualquier refuerzo de tropas ó municiones de guerra, exceptuándose los víveres que estén ahora en camino para alguno de los dos ejércitos, será detenido á la distancia de 28 leguas de la ciudad de México.

5°. Ninguno de los dos ejércitos ó destacamentos de ellos, podrán avanzar de la linea que actualmente ocupan.

6°. Ninguno de los dos ejércitos ó destacamento, ó individuo que tenga carácter militar, pasarán los límites neutrales establecidos por el artículo anterior, exceptuándose á los que lleven la correspondencia entre ambos ejércitos, ó que vaya á negocios autorizados por el artículo siguiente, yendo bajo una bandera de parlamento:

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los individuos de ambos ejércitos, que por casualidad se extravien dentro de los límites neutrales, se les avisará bondadosamente por la parte contraria, ó se les devolverá á su ejército con bandera de parlamento.

7°. El ejército Americano no impedirá con violencia el paso del campo á la ciudad de México para los abastos ordinarios de alimentos necesarios para el consumo de sus habitantes ó del ejército Mexicano que se halla dentro de la ciudad, ni las autoridades Mexicanas civiles ó militares harán nada que abstruya el paso de víveres de la ciudad ó del campo que necesite el ejército Americano.

8°. Todos los prisoneros de guerra Americanos que se encuentren en poder del ejército Mexicano, y que no se hayan cangeado hasta la fecha, se cangearán lo mas pronto posible, uno por uno, considerando las clases de los prisoneros de guerra Mexicanos hechos por el ejército Americano.

9°. A todos los ciudadanos Americanos que estaban establecidos en la ciudad de México antes de la guerra actual, y que despues han sido desterrados de dicha ciudad, se les permitirá que vuelvan á sus respectivos negocios ó familias en dicha ciudad, sin dilacion y sin causarles molestia.

10°. Para facilitar mejor á los ejércitos beligerantes la ejecucion de estos articulos, y para favorecer el grande objeto de la paz, se conviene ademas, que cualquiera correo que alguno de los ejércitos quiera enviar por la linea de la ciudad de México ó de sus cercanías á Vera Cruz, ó de ésta á equella recibirá un pasaporte firmado por el gefe de su ejército y con el salvoconducto del gefe contrario, cuyo pasaporte protegerá á dicho corroe y sus pliegos, de cualquiera interrupcion ó pérdida por parte de las tropas Americanas ó Mexicanos por dicha linea.

11°. En los pueblos ocupados por las fuerzas Americanas, no se embarazará de modo alguno, respecto de las Mexicanas, el ejercicio de la justicia, en los términos señalados por las leyes, por la constitucion general ó particular de los Estados á que pertenezcan.

12°. En las poblaciones ó lugares ocupados por el ejército ó fuerzas de los Estados Unidos dentro del límite señalado, serán respetadas las propiedades, y todos los individuos Mexicanos no seran embargados de manera alguna en el ejercicio de su profesion, no se les obligará á ejecutar servicio de ninguna clase si no lo quieren prestar voluntariamente, y para ello, pagandolo por su justo precio: el tráfico no se alterará de ningun modo.

13°. Los prisioneros que estuvieren heridos no se les embarazará de manera alguna el que cuando quieran puedan trasladarse para su curacion al lugar que les sea mas cómodo, permaneciendo en su cualidad de prisioneros.

14°. Los oficiales de salud pertenecientes al ejército Mexicano, podrán asistirlos si así les conviniere.

15°. Para el exacto cumplimiento de este convenio, se nombrarán dos comisionados, uno por cada parte, y en caso de discordia, elegiran ellos mismos un tercero.

16°. Este convenio no tendrá fuerza hasta que no sea aprobado respectivamente por los Exmos. Sres. generales en gefe de cada

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uno de los dos ejércitos, un el término de 24 horas, contadas desde las seis de la mañana, del 23.

IGNACIO DE MORA Y VILLAMIL.
BENITO QUIJANO.
J. A. QUITMAN,
Mayor General del ejército de los Estados Unidos.
PERSIFOR F. SMITH,
Brigadier General.
FRANKLIN PIERCE,
Brig. Gen. de los Estados Unidos.

CUARTEL GEN. DEL EJERCITO DE LOS ESTADOS UNIDOS DE AMERICA,
Tacubaya, Agosto 23 de 1847.

Tomado en consideracion, aprobado y ratificado con la epresa inteligencia de que la palabra "supplies" como usada la segunda vez y sin calificacion en el art. 7º de este convenio militar, texto ó cópia Americana, debe tomarse en el sentido, ó que significa, como en ambos ejércitos, Ingles y Americano armas, municiones, ropa, equipos, víveres para hombres, forage, dinero y en general todo lo que pueda necesitar un ejército. Esta palabra "supplies" en la cópia Mexicana está traducida con error "víveres" en lugar de recursos.

WINFIELD SCOTT,
General-en-gefe del ejército de los Estados Unidos.

PALACIO NACIONAL DE MEXICO,
Agosto 24 de 1847.

Ratificado suprimiéndose el art. 9º y con esplicacion del 4º en el sentido le que la paz temporal de este armisticio se observará en la capital y veintiocho leguas rededor: convenido en que la palabra *supplies* se traduzca *recursos*, y que en ella se comprenda lo que pueda haber menester el ejército, excepto armas y municiones.

ANTONIO LOPEZ DE SANTA ANNA.

CUARTEL GENERAL DEL EJERCITO DE LOS ESTADOS UNIDOS,
Agosto 24 de 1847.

Acepto y ratifico la condicion que precede añadida por el General Presidente de la república Mexicana.

WINFIELD SCOTT.

Es copia exacta del original.

G. W. LAY,
Del ejército de los Estados Unidos, secretario militar del general-en-gefe.

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*Puntos que deberán tratarse en las conferencias con el comisianado de los Estados Unidos y que deberán servir de bases á los de México, propuestas al Exmo. Sr. presidente por el ministro de relaciónes, y aprobadas por S. E. en junta de ministros.**

Previo. Lugar de las conferencias, que deberá ser intermedio do los que ocupan ambos ejércitos.

Previo igualmente: reconocimiento que debe hacer, antes de entrar á tratar, el comisionado Americano del derecho de deliberacion por parte de México, esto es: si el intento de los Estados Unidos ha sido agrandar su territorio, por qué no se ha quedado con el que han ocupado de hecho? Si lo que ha venido á buscar á la capital es la sancion de derecho por el consentimiento, se debe desistir de lo que no se quiera conceder; de otra manera, que consumen sus obras de hecho y la guerra continuará.

1°. Se reconocerá la independencia de Tejas, ajustada una indemnizacion.

2°. Se entiende por Tejas, el territorio conocido por este nombre despues de los tratados de 1819, y cuando formaba parte del estado de Coahuila y Tejas: y de ningun modo el territoria comprendido entre el rio de las Nueces y el Bravo, que el Congreso de pretendidos Tejanos declaró pertenecerle.

3°. Será una base para tratar sobre cualquiera otra parte del territorio, la evacuacion de todo el de la república Mexicana que tienen ocupado, y levantar el bloqueo dejando libres todos nuestros puertos.

4°. Podrá tratarse sobre uno de la Alta California.

5°. De ningun modo por limite el grado 26 de latitud, que haria perder á la república todo Coahuila, todo Nuevo México, casi todo Chihuahua, casi todo Durango, todo Sonora, parte de Sinaloa y casi del todo la Alta California; de manera que la concesion de un puerto, si este fuere. San Francisco, podrá concederse en calidad de factoria, nunca como limite.

6°. Indemnizacion convenida por el puerto y camino de comunicacion al Oregon.

7°. Idem por los daños y perjuicios y gastos estraordinarios de esta guerra hecha en territorio de la república, como que este es el que se viene á negociar y trahida hasta la capital.

8°. Idem por lo que han padecido las familias y las fincas de Matamoros, Monterey, Vera Cruz, villas y demas ciudades, lugares y haciendas de la república por consecuencia de la guerra.

9°. Idem por las depredaciones que han hecho sus tropas.

10°. Idem por las que han hecho sus guerrillas de foragidos, con cuya libertad y autorizacion han violado el derecho de gentes.

11°. Se darà por salada, así la cuenta por liquidar, como la por pagar de las reclamaciones que tenian hechas.

12°. Los Estados Unidos reconocerán la legitimidad de los titulos de los dueños de terrenos en Tejas, por concesiones hechas con

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* Este acuerdo quedó reservado para entregarse á los comisionados de México, cuando estuviesen nombrados y se les diese poder para tratar.

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anterioridad á su declaracion de independencia, así por el gobierno general, como por el del Estado, y se les dejará el libre uso y aprovechamiento de ellos.

13°. Los Estados Unidos se comprometerán á no consentir la esclavitud en la parte del territorio que adquieran por el tratado.

14°. Este será estendido sobre la base de reciprocidad; pero de lo que realmente pueda haberla, atendido el respectivo estado de los dos pueblos.

15°. No podrá convenirse menos de un año para la celebracion del definitivo.

16°. La garantía de su observancia se buscará de comun acuerdo en una potencia Europea, ó en el Congreso continental.

17°. La base de éste será el sistema republicano en todo el continente, escepto la Guyana, Francesa, y el Brasil.

18°. El tratado que se celebre no podrá perjudicar en ninguna manera al principio de la nacion mas favorecida que la república ha concedédo á las demas naciones con quienes ha hecho tratados.

19°. Como de las circunstancias, se exigirá la devolucion de los Irlandeses prisioneros y la no entrada en la capital de ninguno del ejército Americano.

20°. Devolucion de los buques y trofeos.

21°. Y como base general: tratar la paz como si se hubiera triunfado, y como quien puede todavia llevar adelante la guerra con ventaja.

Mexico, 24 *do Agosto de* 1847.

LOPEZ DE SANTA ANNA.
J. R. PACHECO.
V. ROMERO.
ALCORTA.
RONDERO.

Es copia.—O. Monasterio.

Tacubaya, *Agosto* 25 *de* 1847.

El infrascrito, comisionado nombrado por los Estados Unidos de América, cerca de los Estados Unidos Mexicanos, investido con plenos poderes para tratar y conferenciar con cualquier persona ó personas, igualmente autorizadas por el gobierno Mexicano, y para negociar y concluir con ella ó con ellas, un tratado duradero de paz, amistad y límites entre las dos repúblicas, se toma la libertad de llamar la atencion de S. E. el Ministro de Relaciones de México á la convencion militar, concluida el 23 y ratificada el 24 del actual, que establece un armisticio, y tiene el honor de esponer que está pronto á tratar con el comisionado ó comisionados por parte de México, suplicando se designe próximamente dia para la reunion, en un punto que sea conveniente á ambas partes. El infrascrito ofrece á S. E. el Ministro de Relaciones las seguridades de su mas distinguida consideracion.

N. P. TRIST.

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PALACIO, &c., *Agosto* 26 *de* 1847.

El infrascrito, Ministro de Relaciones Interiores y Esteriores, ha tenido el honor de recibir y poner en conocimiento de S. E. el presidente interino de la república la nota en que á consecuencia del armisticio celebrado con el general-en-gefe de las tropas de los Estados Unidos, el Sr. D. Nicolos Trist, comisionado del gobierno de aquella nacion, con fecha de ayer, manifiesta que está pronto á tratar con el comisionado ó comisionados de esta republica, acerca de las proposiciones de paz que está autorizado á hacer, pidiendo se señale próximamente dia para la reunion en el punto que se estime conveniente para ambas partes.

El infrascrito ha recibido órden de S. E. el presidente para manifestar al Sr. Trist, en contestacion que ya se ocupa de nombrar á la mayor brevedad, los comisionados para oir las proposiciones que tenga á bien hacer el mismo Sr. Trist, los cuales concurrirán á las cuatro de la tarde del dia de mañana, en el pueblo de Atzcapuzalco, como punto intermedio entre los que ocupan las fuerzas de ambas naciones, siempre que en esta designacion no encuentre inconveniente el Sr. Trist, á quien el infrascrito ofrece las seguridades de su distinguida consideracion.

J. R. PACHECO.

Al S. D. NICHOLAS TRIST, *&c., &c., &c.*

TÁCUBAYA, *Agosto* 26 *de* 1847.

El infrascrito, comisionado de los Estados Unidos de América, tiene la honra de acusar recibo de la nota del Exmo. Sr. Pacheco, Ministro de Relaciones de México, fecha hoy, en que le manifiesta que los comisionados por parte de México, pasarán mañana á las cuatro de la tarde á tratar con él en el pueblo de Atzcapuzalco, si el que suscribe no tuviere inconveniente en que allí se verifique la reunion, por ser punto intermedio entre los que ocupan las fuerzas respectivas de las dos naciónes.

El infrascrito tiene en respuesta el honor de esponer, que acepta con placer esta invitacion, en la confiada esperanza de que esta primera entrevista será prontamente seguida por el satisfactorio arreglo de todas las diferencias entre as repúblicas hermanas.

Reproduce al Sr. Pecheco las securidades de su distinguida consideracion.

N. P. TRIST.

A. S. E. D. J. R. PACHECO,
Ministro de Relaciones de la República Mexicana.

Acuerdo del Exmo. Sr. Presidente en junta de ministros, Agosto 25 *de* 1847.

Celebrado el armisticio que provocó el general enemigo, y debiéndose nombrar por parte del gobierno Mexicano comisionados que

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oigan nada mas, las proposiciones de paz que quiere hacer el de los Estados Unidos á nombre de su gobierno, nómbrese á los Sres. Diputado General de José Joaquin de Herrera, Magistrado de la Suprema Corte De Antonio Monjardin, y D. Antonio Garay, pasándoles las comunicaciones respectivas de su nombramiento, en que se les advertirá que reunidos mañana á las once en el ministerio de relaciones, pasarán con el ministro del ramo á la habitacion del Presidente para que reciban sus instrucciones, acordadas en junta de ministros.

El ministro de relaciones formará un memorandum que llvarán los comisionados y pondrá en sus manos el Presidente. Este debe reducirse á prescribirles su verdadera mision, que no es otra por ahora, que la de oir las proposiciones de paz que á nombre del gobierno de los Estados Unidos, se pretenden hacer al gobierno Mexicano, transmitiendo á este inmediatamente el contenido de equellas, para que examinadas debidamente, pueda el Presidente con sus ministros resolver lo conveniente, y para entonces se reserva el gobierno dar á los dichos comisionados las instrucciones suficientes para entrar en los preliminares de la negociacion; consultando durante ella por conducto del ministro de relaciones, cuanto creyeren necesario para el mejor desempeño de su comision, y por supuesto sin acordar nada definitivamente, sin la previa aprobacion del gobierno.

Esta rubricado por S. E. el Presidente y los cuatro Sres. ministros.

Exmo. Sr: Celebrado el armisticio que provocó el general-engefe de las tropas de los Estados Unidos se está ya en el caso de nombrar los comisionados que oigan las proposiciones de paz que quiere hacer aquella nacion por medio del suyo; y teniendo pleno conocimiento y confianza el Exmo. Sr. Presidente interino del patriotismo, ilustracion, y demas recomendables cualidades que adornan á V. E. ha tenido á bien nombrarlo al efecto en union del Sr. magistrado de la suprema corte de justicia D. Antonio Fernandez Monjardin y del Sr. D. Antonio Garay, en cuyos individuos reconoce las mismas estimables circunstancias.

Como en los momentos criticos en que la patria se encuentra, ninguno de sus hijos puede ni debe cerrar los oidos á su llmado, S. E. el Presidente no duda de que V. E. y los señores espresados se prestaran gustosos a desempeñar este interesante servicio, y en consecuencia espera que á las once del dia de mañana se servirán concurrir á este ministerio del cual pasaremos á la habitacion del primer magistrado de la república que les comunicara las instrucciones que ya tiene accordadas en junta de ministros.

Con este motivo reitero a V. E. las seguridades de mi consideracion.

Dios y libertad! Agosta 25 de 1847.

PACHECO.

Exmo. Sr. General D. Jose Joaquin de Herrera.

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Hoy digo el Exmo. Sr. General de José Joaquin de Herrera lo que sigue, (*se inserto la comunicacion que precede,*) y tengo el honor de trasladarlo à V. S. por los efectos correspondientes en la parte que le toca asi como el de reproducirle los testimonios de mi aprecio particular.

Dios y libertad! Agosto 25 de 1847.

Señor Magistrado D. Antonio Fernandez Monjardin,

Sr. D. Antonio Garay.

Exmo Sr: Por el oficio de V. E. del dia de hoy, me he impuesto de que el Exmo. Sr. Presidente se ha servido nombrarme para que en union del señor magistrado de la suprema corte D. Antonio Monjardin y del Sr. D. Antonio Garay oigamos las proposiciones de paz que quiera hacer el comisionado por el gobierno de los Estados Unidos de América: como Mexicano que deseo el bien de mi patria, debo hacer presente á V. E., que hallándome á la cebaza del gobierno en el año próximo pasado de 45, cuando inició el gobierno de los Estados Unidos el envio de un comisionado que arreglase las diferencias que por la cuestion de Tejas turbaron la armonia que habria debido existir entre dos repúblicas colindantes, por solo el hecho de haber manifestado no tener embarazo en que se presentase y oir sus proposiciones, fué calumniada del modo mas atroz mi administracion, fomentándose por solo este hecho la revolucion que me separó del mando, y el tomar parte en la misma cuestion en el dia, daria lugar á renovar las especies que entonces se virtieron; y el mejor partido que pudiera sacarse de las circunstancias en que nos hallamos por mas honrosas que fueran las transacciones, serian mas mal recibidas que lo que pudieran ser interviniendo personas que no hayan tenido parte en este asunto.

Otras razones podria alegar para escusarme, pero me parece que lo espuesto es suficiente para que tomandolo en consideracion el Exmo. Sr. Presidente, se sirva admitirme la renuncia que hago de la honrosa comision de que se ha servido encargarme.

Tengo el honor de hacerlo presente á V. E. en contestacion á su citado oficio, ofreciéndole mi consideracion y debido aprecio,

Dios y libertad! México, Agosto 25 de 1847.

JOSE J. DE HERRERA.

Exmo. Sr. Ministro de Relaciones D. Jose Ramon Pacheco.

Exmo. Sr: Amante de mi desgraciada patria, como el que lo fuere mas, no hay género de sacrificio, que no esté decidido á hacer en su obsequio, si de él le ha de resultar alguna utilidad por pequeña que sea; mas por desgracia estoy intimamente convencido de que ninguna puede sobrevenirle de el de mis sentimientos y reputacion, que me seria necesario hacer, aceptando el encargo de comisionado para oir las proposiciones del de el gobierno de los Estados Unidos, para el que V. E. se sirve participarme en su carta

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de esta fecha haber sido nombrado por el Exmo. Sr. Presidente interino.

Esta consideracion, y la de que conozco sin la mas leve afectacion de modestia, que carezco de todas las dotes que deben adornar á un agente diplomático, comenzando por ignorar el idioma de las personas con quienes debe tratarse, me ponen en la necesidad de reusarme á aceptar el espresado encargo, que no debo admitir, estando convencido de que no soy capaz de desempeñarlo.

Reconocido intimamente al honor que con este nombramiento me hace el Exmo. Sr. Presidente interino, tengo el de renovar á V. E. las seguridades de mi distinguida consideracion y particular aprecio.

Dios y libertad! México, 25 de Agosto de 1847.

ANTONIO FERNANDEZ MONJARDIN.

Exmo. Sr. Secretario de Estado y del Despacho de Relaciones Interiores y Esteriores.

Exmo. Sr: Anoche á las ocho recibi la nota de V. E. de ayer, en que se sirve comunicarme que el Exmo. Sr. Presidente ha tenido á bien nombrarme, en union de los señores general D. José Joaquin de Herrera y magistrado de la suprema corte de justicia D. Antonio Fernandez Monjardin, comisionado para oir las proposiciones de paz que quieren hacer los Estados Unidos de Amérique por medio del suyo.

Este encargo, Exmo. Sr., que entiendo deberá estenderse á conferenciar sobre los preliminares de la paz, lo estimo de la mayor gravedad, porque es delicado y dificil el negocio sobre que se versa; y si pudo en tiempo anterior ser solamente una discusion, es en este momento un conflicto para la nacion, y mas todavia para la capital de la república.

Del partido que se tome va a depender el honor nacional, bastante lastimado ya por los antecedentes de la guerra, y pudiera tambien, segun los eventos inciertos de ella, siguirse males que tal vez serán mayores que lo que ahora se teme; y aunque comprendo que la mision de los comisionados no sera la de concluir un tratado de paz, sino preparar todos los preliminares de él, el cargo siempre es dificil, porque la situacion actual en todos los aspectos lo complica, y se necesita para desempeñarlo la mas privilegiada inteligencia.

No pudiendo yo lisongearme por la escasez de mis luces de llenar la espectacion nacional pendiente de lo que se inicie, ajuste y concluya, y existiendo infinidad de Mexicanos, que con mucho mas talento y mas representacion y prestigio que yo, suplirán con estas cualidades indispensables lo que debe faltar a lo que yo pudiese obrar para el buen éxito, que es lo mas, aun en la iniciativa de los arreglos de que se trata, me veo en la precisa necesidad, porque asi lo exige el interes de este grave negociado, de no admitir la comision que el Exmo. Sr. Presidente se ha servido darme, y que á la vez que me honra mas de lo que yo merezco, es infinitamente superior á mis fuerzas.

Suplico á V. E. se sirva hacerlo presente á dicho Exmo. Sr.,

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dándole las debidas gracias por la distincion que ha hecho de mi persona, y manifestándole al propio tiempo, que la firme conviccion en que estoy de cuanto llevo espuesto, así respecto de la dificultad del asunto de que se trata, como de mi in suficiencia para desempeñarlo, hará que me resista siempre á aceptar el encargo con que S. E. me ha querido honrar.

Protesto á V. E. las consideraciones de mi respeto y particular aprecio.

Dios y libertad! Tacubaya, 26 de Agosto de 1847.

ANTONIO GARAY.

Exmo. Sr. Ministro de Relaciones Interiores y Esteriores.

Exmo. Sr: He dado cuenta al Exmo. Sr. Presidente interino con el oficio de V. E. fecha de ayer, en que se escusa á aceptar el cargo de comisionado para oir las proposiciones de paz que por medio del suyo quiere hacer el gobierno de los Estados Unidos, y en contestacion me manda decirle come tengo el honor de hacerlo, que las mismas razones en que V. E. se apoya, son las que se tuvieron presentes para nombrarlo; pues ellas acreditan que dos administraciones distintas, segun sus diversas circunstancias, han venido á concurrir en un punto esencial, cual es, la conveniencia de oir las proposiciones que se anuncian para llegar al término de los males de la guerra. Así es que S. E. insiste en el deseo de que V. E. se encargue de este grave y delicado negocio, á cuyo efecto invoca su acreditado patriotismo, y la buena disposicion que tiene comprobada para servir á la república.

Segun verá V. E. por la copia adjunta de comunicacion que hoy dirijo al Sr. D. Nicolás Trist, la reunion debe verificarse á las 4 de la tarde del dia de mañana en el pueblo de Atzcapuzalco, y al efecto S. E. el Presidente entregará á V. E. las instrucciones á que debe arreglarse.

Reitero á V. E. las seguridades de mi especial consideracion.

Dios y libertad! México, Agosto 26 de 1847.

PACHECO.

Exmo. Sr. General de Division D. Jose Joaquin de Herrera.

Exmo. Sr: Por la nota de V. E. del dia de hoy, veo con sentimiento que el Exmo. Sr. Presidente no ha estimado por justa la razon principal que espuse en mi comunicacion anterior, escusandome de la honorifica comision que se me encargaba, de ser uno de los comisionados para oir las proposiciones de paz que quiera hacer el del gobierno de los Estados Unidos de América, y supuesto que el Exmo. Sr. Presidente estima necesario que haga este servicio, estoy pronto á él, lo mismo que á cualquiera otro sacrificio del que pueda resultar algun bien á la patria.

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Lo que tengo el honor de manifestar á V. E. en contestacion, ofreciendo mi debida consideracion y aprecio.

Dios y libertad! México, Agosto 26 de 1847.

JOSE J. DE HERRERA.

Exmo. Sr. Ministro de Relaciones D. Jose Ramon Pacheco.

Celebrado el armisticio que provoco el general-en-gefe de los Estados Unidos, se está ya en el caso de nombrar los comisionados que oigan las proposiciones de paz que quiere hacer aquella nacion por medio del suyo; y teniendo pleno conocimiento y confianza el Exmo. Sr. Presidente interino del patriotismo, illustracion, y demas recomendables circunstancias que adornan á V. S., ha tenido á bien nombrarlo al efecto en union del Exmo. Sr. D. José Joaquin de Herrera y otro individuo en los cuales reconoce las mismas estimables circunstancias.

Como en los momentos criticos en que la patria se encuentra, ninguno de sus hijos puede ni debe cerrar los oidos á su llamado, S. E. el Presidente no duda que V. S. y los señores espresados, se prestaran gustosos á desempeñar este intersante servicio; y en consecuencia espera que á las once del dia de mañana se serviran concurrir á este ministerio del cual pasaremos á la habitacion del primer magistrado de la república que les comunicará las instrucciones que ya tiene acordadas en junta de ministros.

Con este motivo reitero á V. S. las seguridades de mi distinguida consideracion.

Dios y libertad! México, Agosto 26 de 1847.

PACHECO.

Sr. General D. Ignacio Mora y Villamil.

Exmo. Sr: He recibido la comunicacion de V. E. de fecha de hoy, en que se sirve participarme que llegado el momento de oir las proposiciones de paz que de parte de los Estados Unidos de América, quiere hacer el comisionado nombrado al efecto, el Exmo. Sr. Presidente ha tenido á bien nombrarme uno de los individuos que deben formar la comision que se ha de entender con dicho comisionado; á cuyo efecto deben concurrir mañana á los once á ese ministerio para recibir las órdenes conducentes.

Sensible á la confianza con que se me distigue en tan delicada mision, no me deja la libertad de escusarme. En tal concepto, estaré mañana en ese ministerio como V. E. me indica, y procuraré hacer cuanto de mi dependa para el mejor éxito de mi comision.

Con este motivo reitero á V. E. las seguridades de mi distinguida consideracion.

Dios y libertad! México, Agosto 26 de 1847.

IGNACIO DE MORA Y VILLAMIL.

Exmo. Sr. Ministro de Relaciones.

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Agosto 27 de 1847.

Con esta fecha se puso nombramiento para comisionados á los señores licenciados D. José Bernardo Couto y D. Miguel Atristain, de manera que la comision queda compuesta de los señores siguientes:

Exmo. Sr. general de division, diputado D. José Joaquin de Herrera.

Sr. diputado lic. D. José Bernardo Couto.

Sr. general de brigada D. Ignacio Mora y Villamil.

Sr. lic. D. Miguel Atristain.

Secretario é intérprete, Sr. D. José Miguel Arroyo.

Exmo. Sr: Aunque carezco de la aptitud necesaria para desempeñar dignamente la comision que se sirve conferirme el supremo gobierno, segun me participa V. E. en su nota de esta fecha; y aunque el mal estado de mi salud me ha obligado, hace tiempo, á apartarme de todo genero de negocios; sin embargo, persuadido de que en el desgraciada situacion en que se halla la república, ningun Mexicano puede negarse á prestar los servicios que por la autoridad pública se le exijan; acepto la indicada comision, y me presentaré ahora mismo á recibir las instrucciones que tenga á bien darme el supreme gobierno. En la suficiencia de las dignas personas con quienes el Exmo. Sr. Presidente se ha servido asociarme, libro toda la esperanza de un feliz resultado.

Dios y libertad! México, Agosto 27 de 1817.

BERNARDO COUTO.

Exmo. Sr. Ministro de Relaciones Interiores y Esteriores.

Exmo. Sr: He recibido el oficio de V. E. fecha de ayer, en que se sirve comunicarme que el Exmo. Sr. Presidente de la república, ha tenido á bien nombrarme, en union de otros señores, comisionado para que oiga las proposiciones que el representante de los Estados Unidos de América pretende hacerle á México para el restablecimiento de la paz; y aunque estoy persuadido que no tengo los conosimientos necesarios para desempeñar tan delicado encargo, sin embargo lo acepto, porque entiendo que en estas circunstancias todos los Mexicanos deben prestar sus servicios cuando lo demanda el gobierno. Protesto á V. E. con tal motivo todas mis consideraciones y respetos.

Dios y libertad! México, 28 de Agosto de 1847.

MIGUEL ATRISTAIN.

Exmo. Sr. D. Jose Ramon Pacheco,

Ministro de Relaciones Interiores y Esteriores.

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Satisfecho el Exmo. Sr. Presidente interino del patriotismo é instruccion de V. S. ha tenido á bien nombrarlo secretario é intérprete de la comision que marcha hoy á Atzcapuzalco á oir las proposiciones que ha de hacer el comisionado del gobierno del los Estados Unidos. Lo digo á V. S. para su satisfaccion protestándole mi aprecio.

Dios y libertad! Agosto 27 de 1847.

PACHECO.

Sr. D. Jose Miguel Arroyo.

Exmo. Sr: Impuesto por la comunicacion de V. E. del dia de hoy, que el Exmo. Sr. Presidente ha tenido a bien nombrarme secretario é intérprete de la comision que debe oir las proposiciones de paz que tiene que hacer el comisionado del gobierno de los Estados Unidos de América; y dispuesto á servir á mi pais en cuanto ma sea posible, y muy particularmente en las presentes circunstancias, puede V. E. asegurar al Exmo. Sr. Presidente que me esforzaré á corresponder dignamente á la confianza con que se me ha distinguido.

Con tal motivo reitero á V. E. las seguridades de mi consideracion y respeto.

Dios y libertad! Mexico, Agosto 27 de 1847.

J. MIGUEL ARROYO.

Exmo. Sr. Ministro de Relaciones.

Instrucciones á los comisionados nombrados por el gobierno Mexicano para oir las proposiciones que el del gobierno de los Estados Unidos pretende hacer.

Con arreglo al acuerdo en junta de ministros de esta fecha, los comisionados del gobierno Mexicano, al presentarse en el tiempo y lugar convenidos, y cangeadas sus respectivas, credenciales, se ceñirán á recibir del comisionado Americano el memorandum que contenga las proposiciones de los Estados Unidos: si no lo presentare por escrito, se limitarán precisamente y nada mas á oir las que hagan, y sean muchas ó pocas, estenderán un memorandum que las contenga por articulos, claras, precisadas y categóricas, el cual será firmado por el comisionado Americano. Sea este, estendido en la primera entrevista, sea el que ya traiga formulado el comisionado Americano, será trasmitido al gobierno Mexicano por los suyos, sin que estos por entonces pretendan ninguna modificacion, ni hagan, ni anuncien el deseo de que se haga la mas leve alteracion sobre tal documento.

PACHECO.

Mexico, 25 *de Agosto de* 1847.

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Antonio Lopez de Santa Anna, general de division, benemérito de la patria y Presidente interino de los Estados Unidos Mexicanos, átodos las que el presente vieren, sabed:

Que habiendo resuelto en uso de las facultades que mê concede la constitucion federal, oir las proposiciones de paz que quiere hacer el gobierno de los Estados Unidos de América, por medio de su comisionado el Sr. D. Nicolas Trist, y teniendo entera confianza en el patriotismo, ilustracion y demas recomendables circunstancias que adornan al Exmo. Sr. de general de division D. José Joaquin de Herrera, al Sr. Lic. D. José Bernardo Couto, al Sr. general de brigada D. Ignacio Mora y Villamil, y al Sr. Lic. D. Miguel Atristain, he venido en comisionarlos para que pasen al pueblo de Atzcapuzalco á recibir y trasmitirme las citadas proposiciones que viene á hacer el mencionado Sr. D. Nicolas Trist, para cuyo efecto les concedo á los tres el pleno poder necesario autorizando al Sr. D. José Miguel Arroyo, para que les asista y acompañe en clase de secretario é enterprete por la confianza que igualmente me merece.

En fé de lo cual he hecho espedir el presente firmado de mi mano, autorizado con el sello nacional y refrendado por el Secretario de estado y del despacho de Relaciones Interiores y Esteriores, en el palacio federal de México á los viente y siete dias del mes de Agosto del año de mil ochocientos cuarenta y siete, y vigésimo séptimo de la independencia.

[L. S.] ANTONIO LOPEZ DE SANTA ANNA.

J. R. PACHECO.

Santiago K. Polk, presidente de los Estados Unidos de América, átodos los que las presentes conciernan, salud.

Sabed que, deseoso de restablecer la paz, armonia y buenas relaciones entre los Estados Unidos de América y los Estados Unidos Mexicanos, y remover todos los motivos de disgusto, y teniendo especial confianza y satisfacion en la entegridad, prudencia y talentos del Sr. Nicolas P. Trist, lo he nombrado comisionado de los Estados Unidos en la república Mexicano, y lo he investido con pleno y en todas maneras, amplio poder y autoridad, en el nombre de los Estados Unidos, para reunirse y conferenciar con cualquiera persona ó personas que tengan igual autoridad del gobierno Mexicano, y para que con ella ó ellas pueda negociar y concluir un arreglo de las diferencias que existen, y un tratado de paz, amistad y limites duradero entre los Estados Unidos de América, y la nacion Mexicana, por el cual sean definitivamente arregladas todas las reclamaciones de los ciudadanos y gobierno de los Estados Unidos contra el gobierno de esta nacion; y todas las reclamaciones de ella ó de sus ciudadanos contra el gobierno de los Estados Unidos: y del mismo modo los limites y linderos entre los Estados Unidos de América y los Estados Unidos Mexicanos, y todos los tasunos y negocios que puedan tener conexion ó ser interesantes

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para ambas naciones; trasmitiendo el tratado ó convencion para que sea concluido por la ratification del presidente de los Estados Unidos con el consentimiento y aprobacion del senado.

El testimonio de lo cual será este documento sellado con el sello de los Estados Unidos. Dado y firmado por mi mano en la ciudad de Washington á los 15 dias de Abril, año del Señor, de 1847, y 71 de la independencia de los Estados Unidos.

SANTIAGO K. POLK,
Por el Presidente.

SANTIAGO BUCHANAN,
Secretario de Estado.

Proyecto de tratado presentado por el comisionado Américano el dia 27 en Atzcapuzalco.

ART. 1°. Habrá paz firme y universal entre los Estados Unidos de Amèrica, y los Estados Unidos Mexicanos, y entre sus respectivos paises, territorios, ciudades, villas y pueblo, sin escepcion de lugares ó personas. Todas las hostilidades de mar y tierra, cesarán definitivamente tan pronto como las ratificaciones de este tradado sean congeadas por ambas partes.

ART. 2°. Todos los prisoneros de guerra hechos por ambas partes, tanto por mar como por tierra, serán devueltos tan pronto como sea practicable despues del cange de las ratificaciones de este tratado. Ademas se conviene que si algunos ciudadanos Mexicanos existen ahora cautivos por los Comanches ó cualquiera otra tribu salvage de Indios dentro de los limites de los Estados Unidos, como están fijados por este tratado, el gobierno de los Estados Unidos, exigirá la entrega de dichos cautivos y que vuelvan á su libertad y á sus casas en México.

ART. 3°. Tan pronto como el presente tratado haya sido debidamente ratificado por los Estados Unidos Mexicanos, se hará saber, esto sin la menor dilacion á los comandantes de las fuerzas de mar y tierra de ambas partes y en consecuencia habrá una suspension de hostilidades tanto por mar como tierra, ya por las fuerzas militares y navales de los Estados Unidos, como por parte de las de los Estados Unidos Mexicanos; y dicha suspension de hostilidades se observará por ambas partes inviolablemente. Inmediatamente despues del cange de sas ratificaciones del presente tratado, todos los fuertes, territorios, lugares, y posesiones cualesquiera que sean, y se hayan tomado por los Estados Unidos, de los Estados Unidos, Mexicanos, durante la guerra, escepto aquellas comprendidas dentro de los limites de los Estados Unidos segun quedan definidos por el artículo cuarto de este tratado, serán devueltas sin demora y sin ocasionar ninguna destruccion, ni estraccion de la artillería ó cualesquiera otra propriedad pública capturada originalmente en dichos fuertes, ó lugares, y que existan en ellos, cuando se cangee la ratificacion de este tratado: y de la misma manera, todos los fuertes, territories, &c.

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Art. 4°. La línea divisoria entre las dos repúblicas, comenzará enel golfo de México tres leguas de la tierra, frente de la boca del Rio Grande, de alli para arriba por medio de dicho rio hasta el punto donde toca la línea meridional de Nuevo México, de allí hácia el poniente, á lo largo dei límite meridional de Nuevo México al angulo del sudoeste del mismo desde allí hácia el norte á lo largo de la línea occidental de Nuevo México hasta donde está cortada por el primer brazo del rio Gila; ó si no está cortada por ningun brazo de este rio, entonces hasta el punto de la dicha línea mas cercano al tal brazo y de allí en una línea recta al mismo, y para abajo por medio de dicho brazo y del dicho rio Gila hasta su desagüe en el rio Colorado; de allí para abajo, por el medio del Colorado, y el medio del golfo de Californias al oceano Pacífico.

Art. 5°. En consideracion á la estension de los límites de los Estados Unidos, como están definidos por el precedente artículo, y por las estipulaciones que mas adelante contiene el artículo 8°, los Estados Unidos por éste abandonan para siempre todo reclamo contra los Estados Unidos Mexicanos, á causa de los gastos de la guerra; y hacen mas, convienen pagar á los Estados Unidos Mexicanos, en la ciudad de México la suma de. . . .

Art. 6°. En amplia consideracion de las estipulaciones contenidas en los artículos 4° y 8° de este tratado, los Estados Unidos convienen entre asegurar y pagar a los reclamantes todos los abonos que ahora se deben, ó mas adelante se venzan segun la convencion concluida entre las dos repúblicas, en la ciudad de México el dia 30 de Enero de 1843, proveer al pago de lo decidido en favor de los reclamantes segun la convencion entre los Estados Unidos y la república Mexicana del 11 de Abril de 1839. Y los Estados Unidos igualmente convienen en asumir y pagar todos los reclamos de los ciudadanos de los Estados Unidos, no decididos anteriormente, contra el gobierno de los Estados Unidos Mexicanos hasta la suma que no esceda de tres millones de pesos, y que se haya suscitado con anterioridad al dia trece de Mayo de 1846; y que se encuentren adeudados justamente por un tribunal de comisionados que se establezca por el gobierno de los Estados Unidos, cuyas decisiones serán definitivas y concluyentes, siempre que al decidir sobre la validez de dichas demandas, el tribunal se haya guiado y gobernado por los principios y reglas para la decision prescritas por los artículos 1° y 5° de la convencion no ratificada, concluida en la cuidad de México el dia 20 de Noviembre de 1843, y en ningun caso se dará sentencia en favor de reclamo alguno que no esté comprendido por estos principios y reglas: y los Estados Unidos por este y para siempre eximen á los Estados Unidos Mexicanos de toda por cualesquiera de las dichas demandas, ya que hayan sido desechadas, ó admitidas por el citado tribunal de comisionados.

Art. 7°. Si en la opinion de dicho tribunal de comisionados, ó de los demandantes, se considerare necesario para la primera decision de alguna de las dichas reclamaciones que algunos libros, registros ó documentos que se encuentren en la posesion ó poder de los Estados Unidos Mexicanos los comisionados ó reclamantes harán por si, dentro del periodo que el Congreso pueda designar,

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peticion por escrito con tal objeto, dirigida al ministro de relaciones Mexicano, la que le será transmitida por el secretario de estado de los Estados Unidos: y el gobierno Mexicano se compromete á hacer remitir, en el primer momento posible despues del recibo de tal demanda, cualquiera de los dichos libros, registros ó documentos en su posesion ó poder, que se hayan pedido al dicho Secretario de Estado, quien inmediatamente los entregará al citado tribunal de comisionados, siempre que los tales pedidos se hagan á peticion de alguno de los reclamantes, y hasta que los hechos, que se espera probar con tales libros, registros ó documentos, hayan sido primero hechos bajo juramento ó afirmacion.

Art. 8°. El gobierno de los Estados Unidos Mexicanos por este concede y garantiza para siempre al gobierno y ciudadanos de los Estados Unidos, el derecho de transportar al traves del istmo de Tehuantepec, de mar á mar, por cualesquiera de los medios de comunicacion que existan actualmente, ya sea por tierra ó por agua, libre de todo peage ó gravámen, todos ó cualquier artículo, ya sea de producto natural, ó productos ó manufacturas de los Estados Unidos ó de cualesquiera otro pais estrangero, pertenecientes al dicho gobierno ó ciudadanos; y tambien el derecho del libre paso por el mismo, a todos los ciudadanos de los Estados Unidos. El gobierno de los Estados Unidos Mexicanos concede y garantiza igualmente al gobierno y ciudadanos de los Estados Unidos, el mismo derecho de paso para sus mercancías y artículos ya dichos, como a sus ciudadanos, por cualquiera ferro carril ó canal que de aquí en adelante pueda concluirse para atravesar el dicho istmo, ya sea por el gobierno de los Estados Unidos Mexicanos, ó por su autorizacion, pagando únicamente aquellos peages que equitativa y justamente estén señalados, y no otros mas subidos, ni se recogerán ni colectaran otros por los artículos y mercancías arriba mencionadas pertenecientes al gobierno ó ciudadanos de los Estados Unidos, ó á las personas de aquellos ciudadanos por el paso sobre dicho ferro-carril, ó canal, que las que se cobren ó colecten por los mismos artículos y mercancias portenecientes al gobierno ó ciudadanos de México siendo del producto natural, ó productos y manufacturas de México, ó de cualquiera pais estrangero, y á las personas de sus ciudadanos. Ninguno de los dichos artículos, sea el que fuere, pertenecientes al gobierno ó ciudadanos de los Estados Unidos, que pasen ó transiten por el dicho istmo, de mar á mar, en una ú otra direccion, ya sea por los medios que existen hoy de comunicacion, ya por algun ferro-carril ó canal, que mas adelante pueda construirse, con el objeto de trasportarse á cualesquiera puerto de los Estados Unidos ó de algun pais estrangero, quedará sujeto á pagar derecho alguno sea cual fuere, de importacion ó esportácion. Los dos gobiernos por este artículo se comprometen, que con la menor demora posible convendran y dictarán mutuamente aquellos reglamentos que puedan considerarse necesarios para evitar el fraude, ó contrabando, á consecuencia del derecho de paso asi concedido, y perpetuamente garantizado al gobierno y ciudadanos de los Estados Unidos.

Art. 9°. Todos los efectos, mercaderías, ó mercancias, que hayan sido introducidas durante la guerra, por cualquier puerto ó lugar

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de una y otra parte, por los ciudadanos de una ú otra parte, ó por los ciudadanos ó súbditos de algun poder neutral, mientras han estado ocupados militarmente por la otra, se les permitirá permanecer libres de confiscacion, ó de cualquiera multa ó derecho que haya sobre la venta ó cambio de ellos, ó sobre la salida de dicha propiedad del pais: y á los propietarios per éste se les permite vender ó disponer de dicha propiedad, de la misma manera y en todos aspectos como si las importaciones en el pais hubieran sido hechas en tiempo de paz, y hubieran pagado sus derechos segun las leyes de cada pais respectivamente.

Art. 10. El tratado de amistad, comercio y navegacion, concluido en la ciudad de México el dia 5 de Abril, año del Señor de 1831 entre los Estados Unidos de América y los Estados Unidos Mexicanos, y cada uno de sus artículos, con escepcion del artículo adicional, queda por este renovado per el término de ocho años desde el dia del cange de la ratificacion de este tratado, con la misma fuerza y virtud como si formaran parte del contenido de éste; debiendo entenderse que cada una de las partes contratantes se reserva para sí el derecho, en cualquier tiempo despues de pasado el dicho periodo de echo años; de terminarlo, dando aviso con un año de anticipacion de su resolucion á la otra parte.

Art. 11. Este tratado sera aprobado y ratificado por el presidente de los Estados Unidos de América con la aprobacion y consentimiento del seando, y por el presidente de los Estados Unidos Mexicanos, con la prévia aprobacion de su congreso general; y las ratificaciones serán congeadas en la ciudad de Washington en el término de meses, desde la fecha en que sea firmado, ó mas pronto si es practicable.

Instrucciones para los comisionados del gobierno Mexicano acordadas junta de ministros de 29 *de Agosto de* 1847, *en vista de las proposiciones hechas por el comisionado de los Estados Unidos.*

1°. Es de toda necesidad antes de abrirse las negociaciones, que los comisionados Mexicanos fijen por base las causales de la guerra provocada por los Estados Unidos contra la república Mexicana; mas claro, que el comisionado de los Estados Unidos declare francamente los motivos de la guerra y fines de ella, sin que se pueda escusar de hacer esta manifestacion que desde luego le exige el gobierno Mexicano. Si se negase, que conste.

2°. Si las pretensiones de los Estados Unidos se fundan en el derecho de la fuerza, ó puramente en negociaciones amistosas. Igualmente.

3°. La primera cuestion de que debe tratarse despues de los dos puntos arriba espuestos sera: si Tejas debe quedar en poder de los Estados Unidos por el derecho de anexacion que alega, ó por compra que trate de hacer de esos terrenos á la república Mexicana.— Igualmente.

El gobierno Mexicano no reconoce otro titulo que el de negoci-

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acion. Sobre estos particulares, los comisionados Mexicanos sabrán desarrollar la cuestion de la manera mas conveniente á los intereses y derechos nacionales; y se deja á su saber fijar en su punto de vista lo conveniente en el particular. Deben saber por supuesto, que no pudiendo sacar mayores ventajas sobre el territorio de Tejas, el gobierno cree que no puede hacerse mas concesion que la del limitellamado y reconocido por la provincia de Tejas, sin esceder los limites de esta del Rio de las Nueces, que es su natural lindero y de ninguna manera hasta el Rio Bravo; pero al cederse la provincia de Tejas, debe sacarse cuando menos la ventaja de que los Estados Unidos ofrezcan dar por transijida la deuda reconocida por México y las demas pendientes por reconocer y por liquidar. Esto so entiende, por prestarse el gobierno á negociar: pero por precio de los terrenos pagaran los Estados Unidos el término medio del precio que han fijado ellos mismos en sus reglamentos de ventas de tierra. Queda en este caso en la obligacion el gobierno de los Estados Unidos y se compromete el gobierno Mexicano á lo mismo por su parte, á dejar como territorio neutral diez leguas del Rio de las Nueces por su orilla derecha el Mexicano y otras tantas el Americano por la izquierda, y en toda la línea divisoria de Tejas, de frontera con él territorio Mexicano, yara así evitar cuestiones que pudieran ofrecerse entre las dos repúblicas si no puedara un terreno intermedio desocupado por ambas y como verdadero lindero el desierto que se marca. Acuyo efecto se nombrará por ambas partes una comision cientifica de límites.

4°. Si el comisionado de los Estados Unidos promoviese algo sobre la isla conocida por del P. Vagin, los comisionados Mexicanos sostendrán que debe quedar neutral para obviar diferencias que pudieran suscitarse en lo de adelante.

5°. Respecto del territorio de Nuevo México y Californias, se negarán absolutamente á ceder el todo ó parte de sus terrenos, pues que enteramente es cuestion estrña á la de Tejas y México ne quiere desprenderse de esta parte integrante que corresponde á la nacion; sin embargo, los comisionados harán decir al de los Estados Unidos, por qué derecho ó con qué intencion ha incluido en sus pretensiones el gobierno de los Estados Unidos á Nuevo México y Californias. Si no quisiere decirlo, que conste.

6°. En último caso, despues de discutido el derecho de México al terreno que se trata de emanciparle, podrá accederse únicamente al establecimiento de una factoría en el puerto de San Francisco, si así lo pretendiesen, pero con tales restricciones que en ningun tiempo México pueda ser reconvenido de que se ha desprendido de aquel puerto ni de su derecho de dominio que actualmente tiene; pudiendo limitarse, si fuere posible, á un tiempo determinado, que dien podra si se queire renovarse por nuevos tratados, con periodos de ocho años, pagando en cada uno una suma que no baje de un millon de pesos como título de reconocimiento del derecho de México y su conservacion.

7°. Sobre los privilegios que solicitaba el gobierno de los Estados Unidos para navegar por el rio de Tehuantepec ó traficar por cualquiera camino ó via que se estableciese entre los dos mares, el

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gobierno Mexicano niega absolutamente toda concesion en el particular, y en último caso se ofrecerá á lo mas, que el gobierno Mexicano tendrá en consideracion las buenas relaciones que pudiere mantener el gobierno de los Estados Unidos con la república Mexicana, y con arreglo á la confianza que le inspirare su conducta, no debe dudar de la reciprocidad de los Mexicanos en los mismos términos que las demas naciones y nunca como México.

8°. No pueda consentir de ninguna manera el gobierno Mexicano en eximir del pago de derechos á todos los efectos introducidos en sus puertos, procedentes de los Estados Unidos ó de cualquiera otra nacion, desde la ocupacion de dichos puertos por las fuerzas de dichos Estados Unidos; y será condicion precisa que para internarlos han de satisfacer los derechos que les correspondan por los aranceles actuales de la nacion, pues es demasiado conceder como lo efrece el gobierno Mexicano, que no caigan en la pena de comiso, como debió suceder por las últimas leyes de la materia. En el caso de estar comprometidos con los importadoes los Estados Unidos, estos pagarán el todo de los derechos de importacion de nuestro arancel, y los comerciantes pagarán los de internacion, consumo, &c.

9°. El gobierno de los Estados Unidos se debe comprometer á retirar todas sus fuerzas de mar y tierra, tan luego como se firmen por ambas partes estos preliminares de paz, los cuales deberán quedar sujetos á la ratificacion del Congreso Mexicano, como lo previene la constitucion que rige al pais.

10°. Al evacuar las tropas de los Estados Unidos el territorio Mexicano, han de entregar las fortalezas que ocupan, en la misma conformidad en que se hallaban cuando las ocuparon, esto es, con sus mismos cañones y armamento reponiendo el que hayan destruido.

11°. Instarán nuestros comisionados por la indemnizacion de las fortunas de los Mexicanos arruinados por las tropas de los Estados Unidos y harán por conseguir hábilmente que se comprometa aquel gobierno á oir y satisfacer las reclamaciones que sobre el particular se hicieren.

Pagarán igualmente los gastos de la guerra que México se ha visto obligado á hacer y que no ha provocado.

Mexico, 30 *de Agosto de* 1847.

Antonio Lopez de Santa Anna, General de Division, benemérito de la pátria y presidente interino de los Estados Unidos Mexicanos, á que el presente vieren, sabed:

Que estando nombrados comisionados para oir las proposiciones de paz, que los Estados Unidos de América han hecho por medio del Sr. D. Nicolas P. Trist, el Exmo, Sr. general de division y diputado al Congreso general D. José Joaquin de Herrera, el Sr. diputado al mismo Congreso Lic. D. José Bernardo Couto, el Sr. general de brigada D. Ignacio Mora y Villamil y el Sr. Lic. D.

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Miguel Atristain, he venido en ampliarles la comision para conferenciar y tratar con el espresado Sr. D. Nicolas P. Trist sobre el contenido de las mismas proposiciones, dandoles y confiriéndoles al efecto los plenos poderes necesarios en virtud de la confianza qne me merecen por su notoria ilustracion y acreditado patriotismo, con tal de que cuanto convinieren y trataren quede su jeto á la aprobacion y ratificacion constitucional. Al mismo tiempo he venido en autorizar al Sr. D. Miguel Arroyo para que asista y acompañe á los espresados comisionados en clase de secretario é intérprete, por concurrir en este individuo las mismas circunstancias que enaquellos.

En fé de lo cual he mandado estender el presente, firmado de mi mano, autorizado con el sello nacional y refrendado por el secretario de estado y del despacho de relaciones interiores y esteriores, en el palacio federal de México á los treinta dias del mes de Agosto del año del señor de mil ochocientos cuarenta y siete, vigésimo séptimo de la independencia.

[L. S.] ANTONIO LOPEZ DE SANTA ANNA.

J. B. PACHECO.

Tengo el honor de remitir a V. E. y V. SS. el pleno poder que el Exmo. Sr. presidente interino de la republica se ha servido conferirles, para que en clae de comisionados pasen á tratar con el de los Estados Unidos de América sobre las proposiciones de paz que ha presentado. Igualmente lo tengo de acompañarles las instrucciones* á que deben sujetarse en el desempeño de tan interesante comision, bajo el concepto de que nada que esceda los límites prescritos en ellas, podrán V. E. y V. SS. acordar ni firmar sin previa autorizacion que solicitarán del supremo gobierno por conducto de este Ministerio, dando siempre cuenta de cuanto se pretenda ó exiga por los Estados Unidos contra el tenor de las espresadas instrucciones, de los cuales no podrán V. E. y V. SS. hacer uso ostensible en ningun caso para con el comisionado de aquella republica.

Reitero á V. E. y V. SS. las seguridades de mi particular consideracion y aprecio.

Dios y libertad! Mexico, Agosto 30 de 1847.

PACHECO.

Exmo. Sr. General D. JOSE JOAQUIN DE HERRERA, y Señores LIC. D. JOSE BERNARDO COUTO, General D. IGNACIO MORA Y VILLAMIL, y LIC. D. MIGUEL ATRISTAIN.

EXMO. SR: Habiendo examinado las bases é instrucciones que V. E. se ha servido acompañarnos en la mañana de hoy, para proseguir

* Las acordadas con vista de las pretensiones de los Estados Unidos, y las que estaban reservadas desde el dia 24.

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la negociacion que se ha abierto con el ministro de los Estados Unidos, creemos de nuestro deber manifestar desde luego al supremo gobierno, con la franqueza de hombres de bien, que sobre las dichas bases é instrucciones nos es imposible encargarnos de la negociacion, porque nos encontramos sin la capacidad necesaria para ejecutarlas como es debido.

Rogamos, pues, al supremo gobierno se digne tener por no aceptada de nuestra parte la plenipotencia con que su bondad ha querido honrarnos.

Dios y libertad! México, Agosto 31 de 1847.

JOSE J. HERRERA.
BERNARDO COUTO.
IGNACIO DE MORA Y VILLAMIL.
MIGUEL ATRISTAIN.
JOSE MIGUEL ARROYO, *Secretario.*

Exmo. Sr. Ministro de Relaciones.

Dada cuenta al Exmo. Sr. presidente con el oficio de V. E. y V. SS. de esta mañana en que renuncian la comision que se ha servido conferirles para tratar con el comisionado de los Estados Unidos bajo las bases é instrucciones que acompañé a mi comunicacion de ayer, S. E. despues de la conferencia tenida con V. E. y V. SS. mismos y en consejo de ministros, ha tenido á bien resolver, se amplien esas instrucciones en el sentido de que se ajusten á ellas en cuanto les sea posible; pero aviniéndose á algunas modificaciones que las circunstancias del pais exigen y á las facilidades á que abra la puerta la misma discusion. En una palabra, el supremo gobierno ha escogido á V. E. y V. SS. como tantas veces les ha escogido la nacion, por el conocimiento que tiene de su ilustracion y patriotismo, y pone en sus manos el honor y los intereses de nuestra patria.

Dios y libertad! Mexico, 31 de Agosto de 1847.

PACHECO.

Exmo. Sr. General D. Jose Joaquin de Herrera, y Sres. Lic. D. Bernardo Couto, General D. Ignacio de Mora y Villamil, y Lic. D. Miguel Atristain.

Exmos. Sres: Tomado en consideracion el informe verbal que se servieron dar V. E. y V. SS. al supremo gobierno, de las conferencias tenidas con el comisionado de los Estados Unidos: visto él borrador del artículo sobre límites que les presentó, ofreciendo que si era aceptado por México consultaria á su gobierno, en razon de no poder por sí solo conforme á sus actuales instrucciones, prescindir del territorio sito entre el Bravo y el Nueces: y examinada de nuevo la cuestion bajo todos los aspectos que debia mirarse, ha resuelto en junta de ministros se diga á V. E. y V. SS. como tengo el honor de hacerlo, que no modificándose esa proposicion bajo el derecho reconocido á Mexico de deliberar, y el carácter de negocio en las pretensiones de los Estados Unidos, no deja su comisionado otro

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arbitrio al gobierno Mexicano, que el que sugiere el honor y él es el que cierra la puerta á toda posibilidad de hacer la paz.

Por restituir este gran bien á la nacion se avenia el gobierno á ceder á Tejas y una parte de la Alta California, hasta las fronteras del Oregon, en los términos que se dijo a V. E. y V. SS. en las instrucciones: pero ni aun con la reserva de que lo aprobara el congreso se prestaria el gobierno á ceder mas, ni á Nuevo México cuyos habitantes han manifestado su voluntad de hacer parte de la familia Méxicana, con mas entusiasmo que en ninguna otra parte de la república. Esos beneméritos Mexicanos abandonados á su suerte por algunas administraciones, sin proteccion ninguna muchas veces, ni aun para ponerles al abrigo de las incursiones de los barbaros, han sido los Mexicanos mas verdaderamente patriotas, porque olvidando las quejas domesticas que tienen, no se han acordado en esta vez mas que de que son y quieren ser de la familia: esponiéndose y sacrificándose ya muchos á la venganza de los invasores, se han levantado contra ellos, y desconcertados ó descubiertos sus planes y frustradas sus conjuraciones, se han vuelto á conjurar. Y ¿á estos Mexicanos iria un gobierno á venderles como rebaño? ¡jamas! y perezca por ellos la nacionalidad del resto de la república; pereceremos juntos.

No es esto decidir con elaciones, ni con afectada nobleza cuestiones de alta politica, para las cuales se dice no debe haber en el hombre de estado mas que frialdad de cálculo. Bien sabe el gobierno las vicisitudes de las naciones, y que no hay en el dia una sola en la tierra que sea como primitivamente fué, ni como comienza á hablar de su origen su respectiva historia; pero á los ojos mismos de los gabinetes de Europa son injustas las pretensiones de engrandecimiento cuando hieren nacionalidades respetables y resistentes. Bien podrian nuestros compatriotas quedar en su pais conservando su nacionalidad y sus propiedades; pero lo que se diga de ellos por esta parte, se podria decir de todos los Mexicanos, esto es, que quedaran estrangeros en su propia patria, y si seria un horror hacer tal propuesta á todos los Mexicanos, lo es igualmente el aceptarlo para la menor parte de ellos. Bien podrian entrarse a los dominios que quedaran á su patria, vendiendo á mejor precio del que hoy tienen sus propiedades, y si se quiere, aumentandoseles estas con terrenos nacionales, y reparándoles con lo mismo que los Estados Unidos ofrecen de indemnizacion el trastorno que sufriesen por mudar de pais y domicilio; pero no es el gobierno Mexicano el que pondrá á precio la adhesion de un conciudadano suyo al suelo en que nacio.

Estas consideraciones suben de punto en la posesion del Rio Bravo, porque no es solo la existencia de todo el sistema de hacienda lo que se interesa en ella, sino la nacionalidad del resto de la república, para cuya pérdida bastaria el trascurso de diez años con el espiritu emprendedor y de inundacion de nuestros vecinos, y la infancia en que nosotros nos hallamos. Si el comisionado de los Estados Unidos no puede por sus instrucciones prescindir de esta pretension, tampoco el gobierno Mexicano puede convenir en que se prolongue por cuarenta y cinco dias el armisticio, para consultar al gobierno de Washington.

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Pues que se ofrece una indemnizacion por el territorio que se pretende, pues que aquel á que con razon ó sin ella se puede alegar el derecho de la guerra, y valga este derecho lo que valiere en esta siglo, es solo Tejas, no comprende el gobierno Mexicano cómo se exigen estos humillantes sacrificios como condicion para hacer la paz, despues de tantas protestas como ha hecho el de los Estados Unidos, de que ella seria equatativa y honrosa. Si su derecho es el de la fuerza, y la cree tener bastante para posesionarse del territorio, que dice quiere comprar, ¿cómo puede de buena fé llamar equitativo y honroso haberse metido en el territorio que no pretente, asolando las ciudades y matando á nuestros conciudadanos, que en nada le han ofendido, y venir á la capital á que se le venda por fuerza? En presencia de estas consideraciones, no se detiene el gobierno á calcular los elementos de la nacion para continuar la guerra; su deber es hacerla con los que tenga.

En Nuevo México, y en las pocas leguas que median entre la derecha del Nueces y la izquierda del Bravo, es á la paz ó la guerra. Si el comisionado de los Estados Unidos no deja al gobierno Mexicano escoger mas que entre esta cesion y su muerte, en vano le mandó su gobierno; desde antes pudo asegurar, se cual habia de ser la respuesta.

Si tambien los Estados Unidos han hecho su eleccion, y prefieren la violencia ó nuestra humillacion, ellos serán los que den cuenta á Dios y al mundo.

Dígolo á V. E. y H. SS. de órden del Exmo. Sr. Presidente, ofreciéndoles mi distinguida consideracion.

Dios y libertad! México, Setiembre 5 de 1847.

J. R. PACHECO.

Exmo. Sr. General de Division, Diputado, D. Jose Joaquin de Herrera, y Sres. Diputado D. Bernardo Couto, General D. Ignacio Mora y Villamil, y Lic. D. Miguel Atristain.

CONTRA-PROYECTO.

1°. Habrá paz firme y universal entre la república Mexicano y los Estados Unidos de America, y entre sus respectivos territorios, ciudades, villas y pueblos, sin escepcion de lugares ni personas.

2°. Todos los prisioneros de guerra hechos por ambas partes, tanto por mar como por teirra, seran devueltos immediatamente despues de la firma del presente tratado. Ademas se conviene, que si algunos Mexicanos existen ahora cautivos en poder de cualquier tribu salvage dentro de los límites que por artículo 4°, van á fijarse á los Estados Unidos, el gobierno de dichos Estados Unidos exigira la entrega de ellos, y que sean restituidos á su libertad y á sus hogares en México.

3°. Inmediatamente despues del cange de las ratificaciones de este tratado, seran devueltos á la república Mexicana, todos los fuertes, territorios, lugares y posesiones que se le hayan tomado ú ocupado en la presente guerra, dentro de los límites que para la misma república van á fijarse en el artículo 4. Le será devuelta

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igualmente la artillería, pertrechos y municiones que habia en los castillos y plazas fuertes cuando cayeron en poder de las tropas de los Estados Unidos. Respecto de la artillería tomado fuera de los espresados castillos y plazas fuertes, se devolverá á Mexico la que exista en poder de las tropas de los Estados Unidos á la fecha de la firma del presente tratado.

4°. La línea divisoria entre las dos repúblicas, comenzará en el golfo de México tres leguas fuera de tierra, enfrente de la embocadura austral de la bahia de Corpus Christi; correrá en línea recta por dentro de dicha bahia hasta la embocadura del rio de las Nueces; seguirá luego por mitad de este rio ento do su curso hasta su nacimiento; desde de el nacimiento del rio de las Nueces se trazará una línea recta hasta encontrar la frontera actual del Nuevo México por la parte este-sur-este; se seguirá luego la frontera actual del Nuevo Mexico por el Oriente, Norte y Poniente, hasta tocar por este ultimo viento al grado 37, el cual servirá de límite á ambas republicas desde el punto en que toca la dicha frontera de Poniente del Nuevo México hasta el mar Pacífico. El gobierno de México se compromete á no fundar nuevas poblaciones, ni establecer colonias en el espacio de tierra que queda entre e rio de las Nueces y el rio Bravo del Norte.

5°. En debida compensacion de la extension que adquieren, por el articulo anterior los antiguos limites de los Estados Unidos, el gobierno de dichos Estados Unidos se obliga á entregar al de la república de México la suma de———— la cual se pondrá en la ciudad de México á disposicion del dicho gobierno de la república Mexicana en el acto de cangearse las ratificaciones del presente tratado.

6°. Se obliga ademas el gobierno de los Estados Unidos, á tomar sobre si, y satisfacer cumplidamente á los reclamantes, todas las cantidades que hasta aquí se les deben y cuantes se venzan en adelante, por razon de los reclamos ya liquidados y sentenciados contra la república Mexicana, conforme á los convenios ajustados entre ambas repúblicas el 11 de Abril de 1839, y el 30 de Enero de 1843; de manera que la república Mexicana nada absolutamente tendrá que lastar en lo venidero, por razon de los indicados reclamos.

7°. Tambien se obliga el gobierno de los Estados Unidos á tomar sobre sí y pagar cumplidamente todos los reclamos de ciudadanos suyos, no decididos aun contra la república Mexicana, cualquiera que sea el titulo ó motivo de que procedan, ó en que se funden los indicados reclamos, de manera que hasta la fecha del cange de las ratificaciones del presente tratado, quedan saldadas definitivamente, y para siempre, las cuentas de todo género que existan ó puedan suponerse existentes entre el gobierno de México y los ciudadanos de los Estados Unidos.

8°. Para que el gobierno de los Estados Unidos satisfaga, en observancia del artículo anterior, los reclamos no decididos aun de ciudadanos suyos contra la república Mexicana, se establecerá por el gobierno de dichos Estados Unidos un tribunal de comisionados, cuyas decisiones serán definitivas y concluyentes, siempre que al decidir sobre la validez de cualquiera demanda se haya ajustado á los principios y reglas que se establecieron en los artículos 1°. y

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5°. del convenio no ratificado que se celebró en México el dia 20 de Noviembre de 1843, y en ningun caso se dará sentencia en favor de reclamo alguno que no se ajuste á las precitadas reglas. Si el tribunal de comisionados estimare necesario para la justa decision de alguna demanda tener á la vista algunos libros, registros ó documentos que existan en poder del gobierno de México, los pedira á éste el gobierno de los Estados Unidos, y le serán remitidos originales, ó en testimonios fehacientes para que pasen el dicho tribunal, bien entendido que no se hará por el gobierno de los Estados Unidos peticion alguna de los enunciados libros, registros ó documentos, antes de que hayan sido especificados en cada caso bajo la religion del juramento, ó con aseveracion juídica por la parte actora en el reclamo, los hechos que pretenda probar con ostales libros, registros ó documentos.

9°. Todos los templos, casas y edificacios dedicados á actos ó ejercicios del culto católico en territorios pertenecientes antes á la republica Mexicana, y que por el art. 4° de este tratado quedan para lo succesivo dentro de los limites de los Estados Unidos, continuarán dedicados á los mismos actos y ejercicios del culto católico sin variacion alguno, y bajo la especial proteccion de las leyes. Lo mismo sucederá con los bienes muebles é inmuebles que dentro de los espresados territorios estén dedicados al mantenimiento del culto catolico, ó al de escuelas, hospitales y demas establecimientos de caridad ó beneficencia. Finalmente, las relaciones y comunicacion de los católicos existentes en los mismos territorios, con sus respectivas autoridades eclesiásticas, serán francas, libres y sin embarazo alguno, aun cuando las dichas autoridades tengan su residencia dentro de los límites que quedan marcados á la república Mexicana en este tratado mientras no se haga una nueva demarcacion de distritos eclesiasticos, con arreglo á las leyes de la Iglesia católica.

10°. Los Mexicanos residentes en territorios pertenecientes antes á México, y que quedan ahora dentro de los limites demarcados á los Estados Unidos, podran en todo tiempo trasladarse á la república Mexicana conservando en los indicados territorios los bienes que poseen, ó enagenándolos y trasladando su valor á donde les convenga, sin que por esto pueda exigirseles de parte de los Estados Unidos ningun género de contribucion, gravámen ó impuesto. Si las personas de que se trata, prefieren permanecer en los territorios en que ahora habitan, podran conservar el titulo y los derechos de ciudadanos Mexicanos; ó adquirir desde luego el titulo y derechos de ciudadanos de los Estados Unidos si así lo quisieren. Mas en todo caso ellos y sus bienes disfrutarán de la mas amplia garantia.

11°. Todas las concesiones de tierras, hechas por autoridades Mexicanas en territorios pertenecientes antes á la república y que por este tratado quedan para lo futuro dentro de los límites de los Estados Unidos, son válidas y subsistentes, y serán sostenidas y guardadas en todo tiempo por el gobierno de los dichos Estados Unidos.

12°. La república de los Estados Unidos se compromete solemnemente á no admitir en lo de adelante la agregacion á ella de ningun

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distrito, ó territorio comprendido en los límites que por el presente tratado se señalan á la república Mexicana. Este solemne compromiso tiene el caracter de condicion de las cesiones territoriales que ahora hace México á la república de Norte América.

13°. Todos los efectos existentes en los puertos Mexicanos ocupados por las tropas Norte Americanas satisfarán los derechos que establece el arancel de la república Mexicana siempre que no los hayan satisfecho anteriormente á la misma república; pero no incurrirán en la pena de comiso.

14°. El gobierno de los Estados Unidos satisfará en términos de justicia los reclamos de los ciudadanos Mexicanos por los perjucios que de parte de las tropas Norte Americanas han resentido en sus intereses.

15°. El presente tratado será ratificado, &c.

Casa de Alfaro en la Calzada de Chapultepec,
Septiembre 6 *de* 1847.

Los infrascritos comisionados por el gobierno de la república Mexicana para concertar con V. E. un ajuste de paz, al poner en sus manos el contraproyecto que han formado con arreglo á las últimas instrucciones de su gobierno, estiman oportuno acompañarlo de las observaciones que contiene esta nota, las cuales serviran para poner mas en claro las pacificas disposiciones de México en la contienda que desgraciadamente divide á ambos paises. El art. 4 del proyecto que V. E. se sirvió entregarnos la tarde del 27 de Agosto próximo pasado, y sobre el cual han rodado nuestras conferencias posteriores, importa la cesion por parte de México.—1°, del Estado de Tejas.—2°, del territorio, fuera de los límites de dicho Estado, que corre á la orilla izquierda del Bravo hasta la frontera meridional de Nuevo México.—3°, de todo el Nuevo México.—4°, de las dos Californias.

La guerra que hoy existe, se ha empeñado únicamente por razon del territorio del Estado de Tejas, sobre el cual la republica de Norte—América presenta como titulo la acta del mismo Estado en que se agregó á la confederacion Norte-Americana, despues de haber proclamado su independencia de México. Prestándose la república Mexicana (como hemos manifestado á V. E. que se presta) á consentir, mediante la debida indemnizacion, en las pretensiones del gobierno de Washington sobre el territorio de Tejas, ha desaparecido la causa de la guerra, y esta debe cesar, puesto que falta todo título para continuarla. Sobre los demas territorios comprendidos en el artículo 4 del proyecto de V. E., ningun derecho se ha alegado hasta ahora por la republica de Norte-América, ni creemos posible que se alegue alguno. Ella, pues, no podria adquirirlos sino por titulo de conquista, ó por el que resultara de la cesion y venta que ahora le hiciese México. Mas como estamos persuadidos de que la república de Washington no solo repelerá absolutamente sino que tendrá en odio el primero de estos títulos; y como por otra parte fuera cosa nueva y contraria á toda idea de justicia el que se hiciese guerra á un pueblo por sola la razon de negarse él á vender

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el territorio que un vecino suyo pretende comprarle; nosotros esperamos de la justicia del gobierno y pueblo de Norte-América, que las amplias modificaciones que tenemos que proponer á las cesiones de territorio (fuera de el del Estado de Tejas) que se pretenden en el citado artículo 4°, no será motivo para que se insista en una guerra que el digno general de las tropas Norte Americanas justamente ha calificado ya de *desnaturalizada*.

En nuestras conferencias hemos hecho presente á V. E. que Mexico no puede ceder la zona que queda entre la margen izquierda del Bravo y la derecha del Nueces. La razon que para esto se tiene, no es solo la plena certeza de que tal territorio jamas ha pertenecido al Estado de Tejas; ni tampoco el que se haga de él grande estima, considerado en sí mismo. Es que esa zona, con el Bravo á su espalda, forma la frontera natural de México, tanto en el órden militar como en el de comercio; y de ningun pueblo debe pretenderse, ni puede, ningun pueblo, consentir en abandonar su frontera. Mas para alejar todo motivo de duelo en el porvenir, el gobierno, de México se compromete á no fundar nuevas poblaciones, ni establecer colonias en el espacio intermedio entre los dos rios: de modo que conservándose en el estado de despoblacion en que hoy se halla, preste igual seguridad á ambas republicas. La conservacion de este territorio es segun nuestras instrucciones una condition *sine qua non* de la paz. Sentimientos de honor y delicadeza (que el noble carácter de V. E. sabrá estimar dignamente) mas todavia que un cálculo de intereses, impiden á nuestro gobierno consentir en la desmembracion de Nuevo México. Sobre este punto creemos superfluo agregar nada á lo que de palabra hemos tenido la honra de esponerle en nuestras conferencias.

La cesion de la Baja California, poco provechosa para la república de Norte-América, ofrece grandes embarazos á Mexico, considerada la posicion de esa península frente á nuestras costas de Sonora, de las cuales la separa el estrecho golfo de Cortés. V. E. ha dado todo su valor á nuestras observaciones en esta parte, y con satisfaccion le hemos visto ceder á ellas. Bastaria el hecho de conservar México la Baja California, para que le fuese indispensable guardar una parte de la Alta, pues de otra manera aquella peninsula quedaria sin comunicacion por tierra con el resto de la república; lo cual es siempre de grande embarazo, especialmente para una potencia no marítima como México. La cesion que por nuestro gobierno se ofrece (mediante la debida compensacion) de la parte de la Alta California que corre desde el grado 37 arriba, no solo proporciona á los Estados-Unidos la ad quisicion de un escelente litotal, de fértiles terrenos y tal vez de minerales intactos, sino que le presenta la ventaja de continuar por allí sin interrupcion sus posesiones del Oregon. La sabiduría del gobierno de Washington y la loable aplicacion del pueblo Americano, sabrán sacar ópimos frutos de la importante adquisicion que ahora le ofrecemos.

En el art. 8 del proyecto de V. E., se pretende la concesion de un paso libre por el istmo de Tehuantepec para el mar del sur, en favor de los ciudadanos Norte-Americanos. Verbalmente hemos manifestado á V. E. que hace algunos años esta otorgado por el gobierno de la republica á un empresario particular, un privilegio

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sobre esta materia, el cual fué luego enagenado con autorizacion del mismo gobierno á súbditos ingleses, de cuyos derechos no puede disponer México. V. E., pues, no estrañará que en este punto no accedamos á los deseos de su gobierno.

Heemos entrado en esta sencilla esplicacion de los motivos que tiene la república para no prestarse á enagenar todo el territorio que se le pide fuera del Estado de Tejas, porque deseamos que el gobierno y pueblo Norte-Americanos se persuadan de que nuestra negativa parcial no procede de sentimientos de aversion, engendrados por los antecedentes de esta guerra, ó por lo que en ella se ha hecho padecer á México, sino que descansa en consideraciones dictadas por la razon y la justicia, que obrarian en todo tiempo respecto del pueblo mas amigo, y en medio de las raciones de mas estrecha amistad. Las demas alteraciones que hallará V. E. en nuestro contraproyecto, son de menor momento, y creemos que no habrá contra ellas objecion importante. De la que se contiene en el art. 12, se ha hablado antes de ahora en el pais de V. E.; y nosotros nos lisongeamos de que la lealtad de su gobierno no rehusará contraer un empeño tan conforme á la honradez, y á la buena armonía en que deben vivir los pueblos vecinos.

La paz entre ambos paises quedará mas sólidamente establecida, si una potencia amiga (la Inglaterra) que tan noblemente ha ofrecido sus buenos oficios á México y los Estados Unidos en la presente contienda, se prestara ahora á otorgar su garantía para la fiel guarda del tratado que se ajuste. El gobierno de México entiende que seria muy conveniente solicitar esa gatrantia.

Nos ordeno nuestro gobierno recomendar á V. E. que su resolucion sobre el contraproyecto que tenemos el honor de presentarle, se sirva cómunicarla dentro de tres dias.

La obra buen y saludable de la paz no podrá en nuestro juicio llevarse á feliz término, si cada una de las partes contendientes no se resuelve á abandonar algunas de sus pretensiones originales. Siempre ha sucedido esto, y las naciones todas no han dudado en tales casos hacer grandes sacrificios por apagarla llama asoladora de la guerra. México y los Estados Unidos tienen razones especiales para obrar así. No sin rubor debemos confesar que estamos dando á la humanidad el escándalo de dos pueblos cristianos, de dos repúblicas al frente de todas las monarquías, que se hacen mútuamente todo el mal que pueden por disputas sobre límites, cuando nos sobra tierra que poblar y cultivar en el hermoso hemisferio en que nos hizo nacer la Providencia. Nosotros nos atrevemos á recomendar estas consideraciones á V. E., antes de que tome una resolucion definitiva sobre nuestras proposiciones. Nos honramos en ofrecerle con este motivo toda nuestra atencion y respeto.

JOSE J. DE HERRERA.
BERNARDO COUTO.
IGNACIO MORA Y VILLAMIL.
MIGUEL ATRISTAIN.

A. S. E. el Sr. D. Nicolas Trist,
Commisionado con plenos poderes por el gobierno de los Estados Unidos cerca del gobierno de la república Mexicano.

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Contestaciones habidas entre el señor general-en-gefe del ejército de los Estados Unidos y el supremo gobierno de la república Mexicana.

CUARTEL GEN. DEL EJERCITO DE LOS ESTADOS UNIDOS DE AMERICA,
Tacubaya, Setiembre 6 de 1847.

SEÑOR: El artículo 7° asi como el 12 que estipulan *que el tráfico del comercio de ningun modo se interrumpirá*, del armisticio ó convencion militar que tuve el honor de ratificar y cangear con S. E. el 24 de Agosto último, han sido repetidas veces violados poco despues de firmado el armistício por parte de México, y ahora tengo muy buenas razones para creer que en las 48 últimas horas, si no antes, el artículo 3° de la convencion fué igualmente violado por la misma parte. Estos ataques directos á la buena fé dan á este ejército un pleno derecho para romper las hostilidades contra México sin anunciarlas antes; pero concedo el tiempo necesario para una esplicacion, una satisfaccion y una reparacion, si es posible, pues de lo contrario declaro ahora mismo formalmente, que si no recibo une satisfaccion completa de todos estos cargos antes de las doce del dia de mañana, consideraré el espresado armistício como terminado despues de aquella hora.

Tengo el honor de ser de V. E. obediente servidor,
WINFIELD SCOTT.

A. S. E. el PRESIDENTE Y GENERAL-EN-GEFE
DE LA REPUBLICA DE MEXICO.

Es copia de la traducion.—México, Setimbre 7 de 1847.
JOSE DE ROMERO.

CUARTEL GENERAL DEL EJERCITO DE LA REPUBLICA MEXICANA,
Mexico, Setiembre 6 de 1847.

SEÑOR: Por la nota de V. E. de esta fecha me he enterado con sorpresa, que considera violados por las autoridades civiles y militares Mexicanas, los artículos 7, 12, y 3 del armisticio que concluí con V. E. el dia 24 del mes pasado.

Las autoridades civiles y militares Mexicanas no han impedido el paso de víveres para el ejército Americano, y si alguna vez se ha retardado su remision, ha sido precisamente por la imprudencia de los agentes Americanos, que sin ponerse previamente de acuerdo con las espresadas autoridades, han dado lugar á la efervescencia popular que ha costado mucho trabajo al gobierno Mexicano reprimir. Anoche y antes de anoche han estado listas las escoltas para la conduccion de víveres, y no se verifico su estraccion, porque así lo quiso el Sr. Hargous, encargado de verificarlo. Las ordenes dadas para suspender el tráfico entre los dos ejércitos, se dirigió á los particulares y no á los agentes del ejército de los Estados Unidos, puntualmente para hacerla mas espedita, reduciéndola á este solo objeto. En cambio de esta conducta V. E. ha prohibido á los

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dueños ó administradores de los molinos de trigo de las inmediaciones de esta ciudad, la importacion de harinas en ella, lo que ha abierto una verdadera brecha en la buena fé que V. E. me prometia.

Es falso que alguna obra nueva de fortificacion se haya emprendido, porque uno ú otro reparo ha servido para restablecerlas en el estado que tenian el dia del armisticio, porque casualidades ó conveniencias del momento, habian hecho destruir las obras preëxistentes. Muy anticipadas noticias habia adquirido del establecimiento de una batería cubierta con la tápia de la casa llamada de Garay, en esa villa, y no habia reclamado, porque la paz de dos grandes repúblicas no podia hacerse de pender de cosas, graves en sí mismas, pero que valen poco respecto del resultado en que se interesan todos los amigos de la humanidad y de la felicidad del continente Americano.

No sin dolor y aun indignacion, he recibido comunicaciones de las ciudades y pueblos ocupados por el ejército de V. E. sobre la violacion de los templos consagrados al culto de Dios, sobre el robo de los vasos sagrados y profanacion de las imágenes que venera el pueblo Mexicano. Profundamente me ha afectado de las quejas de los padres y esposes sobre la violencia ejercidas en sus hijas y esposas; y esas mismas ciudades y pueblos han sido saqueados no solamente con violacion del armisticio, sino aun de los principios sagrados que proclaman y observan las naciones civilizadas. Silencio habia guardado hasta ahora por no entorpecer una negociacion que prestaba esperanzas de terminar una guerra escandalosa y que V. E. ha caracterizado con el nombre de desnoturalizada tan justamente. Mas no insistiré en ofrecer apologias, porque no se me oculta que la verdadera, la indisimulable causa de las amenazas de rompimiento de hostilidades que contiene la nota de V. E., es que nome he prestado á suscribir un tradado que menoscabaria considerablemente no solo el territorio de la república, sino tambien esa dignidad y decoro que las naciones defienden á todo trance. Y si estas consideraciones no tienen igual peso en el ánimo de V. E. suya será la responsibilidad ante el mundo, que bien penetra de parte de quien esta la moderacion y la justicia.

Yo me lisongeo de que V. E. se convencerá en medio de la calma, del fundamento de estas razones. Mas si por desgracia no se buscare mas que un pretesto para privar á la primera ciudad del continente Americano de un recurso para la parte inerme de su poblacion, de librarse de los horrores de la guerra, no me restará otro medio de salvarla; que repeler la fuerza con la fuerza, con la decision y energía que mis altas obligaciones me prescriben.

Tengo el honor de ser de V. E. muy obediente servidor,

ANTONIO LOPEZ DE SANTA ANNA.

A. S. E. el General WINFIELD SCOTT,
General-en-gefe del ejercito de los Estados Unidos de America.

Es copia de la original.—México, Setiembre 7 de 1847.

JOSE D. ROMERO.

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Exmo. Sr: Aunque cada dia hemos dado cuenta al supremo gobierno de lo occurrido en nuestras conferencias con el Exmo. Sr. D. Nicolas Trist, comisionado con plenos poderes por los Estados Unidos, creemos sin embargo oportuno recapitular aquí por escrito, lo que de palabra hemos tenido la honra de esponerle largamente.

La tarde del 27 de Agosto próximo pasado, nos reunimos por primera vez en el pueblo de Atzcapuzalco. Cangeados los poderes, encontramos los del Sr. Trist amplísimos para transigar todas las differencias existentes entre México y los Estados Unidos, fijar los límites de ambos paises, y ajustar definitivamente la paz. Los nuestros estaban restringidos á recibir las proposiciones de su gobierno, si venian redactadas por escrito; y á consignarlas de acuerdo con él, el un memorandun, si se nos hacian verbalmente. Como el Sr. Trist hubiese hecho alguna observacion sobre la limitacion de nuestros podores, satisfacimos á ella manifestándole que llegada la sazon de tratar, se presentaria una autorizacion cumplida. Inmediatamente nos entregó el proyecto de tratado, que aquella misma noche pusimos en manos del Señor Presidente. Por conclusion nos propuso el Sr. Trist, señalar para lugar de nuestras conferencias ulteriores, una quinta de que se le habia hablado, sita en las inmediaciones de Chapultepec, y menos distante de Tacubaya, donde ha tenidó él su residencia, y de México donde estábamos nosotros. Ofrecimos tomar noticia del lugar designado, y quedamos emplazados para el siguiente dia.

La conferencia en él se redujo á manifestarle que estábamos de acuerdo en la quinta que habia elegido (la que llaman vulgarmente del inquisidor Alfaro) y á citar nuestra tercera reunion para el miercoles 1° del corriente, por necesitar el gobierno los dias intermedios para examinar con la madurez debida el proyecto presentado, fijar sobre él su resolucion, y darnos las instrucciones á que debiamos ajustarnos.

El miércoles exhibimos los plenos poderes que se sirvió conferirnos el supremo gobierno, y entramos con el Sr. Trist en larga aunque sosegada discusion, sobre los puntos capitales del proyecto, la cual se continuó por todo el jueves siguiente. De sus pormenores hemos instruido al supremo gobierno: el punto en que por resultado de ella quedo la negociacion, fuê éste: el Sr. Trist se mostró dispuesto á abandonar su primera pretension sobre la Baja California y sobre una parte de la Alta, para que aquella pueda comunicarse por tierra con Sonora. Ofreció que si no quedaba otro punto de diferencia para concluir la paz que el relativo al territorio que se prolonga entre el Bravo y el Nueces, consultaria sobre él á su gobierno con alguno esperanza de buen exito, si bien este paso debia ocasionar una demora de cuarenta y tantos dias en la negociacion. Mas la cesion del Nuevo México por nuestra parte era condicion de que no podia separarse, ni aun sómeterla á nueva consulta en Washington, por la plena certeza que tenia de que su gobierno la considera como condicion *sine qua non* de la paz. Los otros puntos que se tocan en el proyecto, nos parecieron allanables, adoptándose términos de acomodamiento por ambas partes: tal á lo menos fué el juicio que formamos en las conferencias.

Dada cuenta al supremo gobierno de lo occurrido V. E. nos co-

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municó su final resolucion en nota de ayer; conforme á la cual y con aprobacion del gabinete en consejo de ministros, estendimos inmediatamente y entregamos en el mismo dia al Sr. Trist el contra-proyecto y nota, cuyas copias son adjuntas bajo los números 1 y 2. Sin nueva discusion ofreció contestar para hoy, y lo ha hecho en efecto con el oficio de que es copia el número 3. El pone termino á la comision con que se sirvió honrarnos el supremo gobierno, si bien de un modo contrario al que sinceramente deseábamos y hemos procurado en toda la negociacion.

Réstanos solo decir que en nuestras relaciones con el Sr. Trist, no hemos hallado sino motivos para apreciar su noble carácter; y que si alguna vez llega á consumarse la obra de la paz, sera por medio de negociadores adornados de las estimables prendas que en nuestro juicio distinguen á este ministro.

Sírvase V. E. dar cuenta con todo al supremo gobierno, y recibir nuestra atencion y respeto.

Dios y libertad! Mexico, á 7 de Setiembre de 1847.

JOSE J. DE HERRERA.
BERNARDO COUTO.
IGNACIO MORA Y VILLAMIL.
MIGUEL ATRISTAIN.

Exmo. Sr. Ministro de Relaciones Interiores y Esteriores.

[CONFIDENTIAL.]

Message from the President, in answer to the resolution of the Senate of the 8th instant, relating to despatches from Nathaniel P. Trist.

March 9, 1848.

Read, and ordered to lie on the table.

To the Senate of the United States:

In answer to the resolution of the Senate of this date, requesting the President to communicate to that body, "confidentially, any additional despatches which may have been received from *Mr. Trist*, and especially those which are promised by him, in his letter to *Mr. Buchanan* of the 2d of February last, if the same have been received," I have to state, that all the despatches which have been received from Mr. Trist, have been heretofore communicated to the Senate.

JAMES K. POLK.

Washington, *March* 8, 1848.

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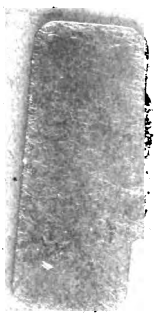

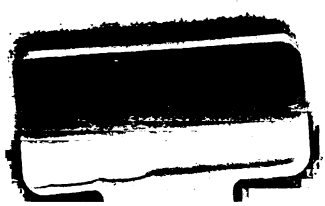

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